the weekly Standard

JANUARY 2 / JANUARY 9, 2006

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TRAVELS WITH CHENEY
STEPHEN F. HAYES

LET'S HEAR IT FOR WIRETAPPING!

In defense of the Bush administration's spying on al Qaeda

WILLIAM KRISTOL
GARY SCHMITT
DAVID TELL

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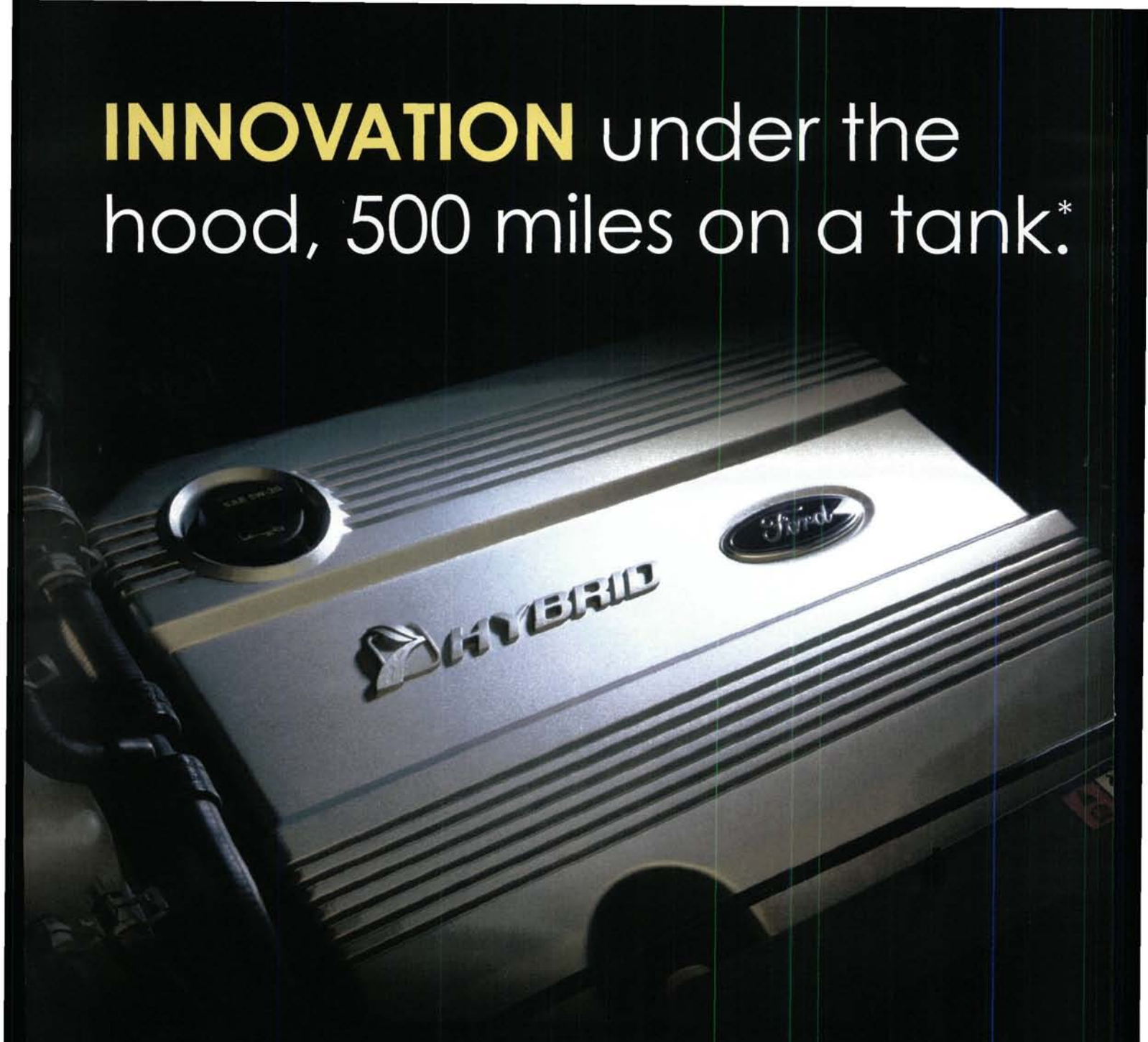

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THIS IS A COMBINED ISSUE. THE NEXT ISSUE OF THE WEEKLY STANDARD WILL APPEAR IN TWO WEEKS.

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'Domestic Spying' for $500, Alex

As THE SCRAPBOOK enjoyed an afternoon walk down Washington's M Street last week, it passed an array of newspaper vending machines, for the *New York Times*, the *Washington Post*, and *USA Today*, among others. A scan of the headlines found the words "Domestic Spying" on all the front-page headlines. This was the artful shorthand America's top editors came up with to describe the president's decision, after 9/11, to intercept calls "from outside the country to in the country, or vice versa," when one of the parties to a call was someone with known ties to al Qaeda or its affiliates—without the benefit of a court warrant.

Intriguingly, when a similar controversy arose in 1994, with the Clinton administration claiming a similar duty to engage in warrantless surveillance for national security purposes, the headline writers, at least at the *Washington Post*, found a different way to describe what was going on. "Administration Backing No-Warrant Spy Searches," was how the *Post* put it then. Arguably, it would have better served public understanding of Bush's policy had the headlines last week said that the administration is "Backing No-Warrant Al Qaeda Searches." But you can see how describing it that way might damp down enthusiasm for impeaching Bush. So "domestic spying" it was.

Equally intriguing is the fact that the papers couldn't turn up any innocent victims of this "domestic spying" program. One of the Americans whose privacy *was* invaded by the Bush dragnet was described. He's an Ohio truck driver named Iyman Faris, now serving 20 years in federal prison for "supporting Al Qaeda by planning to bring down the Brooklyn Bridge with blowtorches," as the *New York Times* described this particular activist's agenda.

But give credit to the *Washington Post*. They found the next best thing to some innocent victims—an utterly unrelated bunch of ACLU clients who are being "monitored" (no mention of wiretaps) by the FBI in utterly unrelated investigations. The investigations of these groups—most prominently PETA, the People for the Ethical Treatment of Animals—came to light thanks to an ACLU lawsuit against the FBI, news of which, the *Post* helpfully reported, came "amid recent revelations about the extent of domestic spying." Indeed.

As is usually the case, the FBI had nothing to say about why it might or might not be monitoring PETA and the other aggrieved groups. The *Post* couldn't come up with any clues, either, but gave the ACLU and PETA lots of room to speculate that this might be part of the well-known Bush administration plan to violate the First Amendment rights of its opponents and crush dissent in America.

We have a different idea. The animal rights movement is a large and diverse one, and includes some violent groups and some apologists for terror. Consider Jerry Vlasak, a California physician and spokesman for the Animal Liberation Front—a group funded by PETA in the past—who testified before a Senate committee last October 26. This page quoted his testimony at the time, but here's a bit more, in which he defends the assassination of medical researchers who experiment on animals:

> SEN. INHOFE: So you call for the murder of researchers and human lives?
>
> VLASAK: I said in that statement and I meant in that statement that people who are hurting animals and who will not stop when told to stop, one option would be to stop them using any means necessary and that was the context in which that statement was made.
>
> SEN. INHOFE: Including murder, is that correct?
>
> VLASAK: I said that would be a morally justifiable solution to the problem. . . .
>
> SEN. LAUTENBERG: Dr. Vlasak, you approve of these dastardly acts in the name of liberation, of a liberation movement?
>
> VLASAK: Yes. . . .
>
> SEN. LAUTENBERG: [You practice at several hospitals] but you are willing to take lives. That is the anomaly here. You are willing to say that somebody you don't know, somebody's kid, somebody's parent, somebody's brother, somebody's sister—take that life, that's okay.
>
> VLASAK: These are not innocent lives.

Hmmm. On second thought, maybe the *Post* was more right than it knew to link these two stories.

Full disclosure: We should note that THE SCRAPBOOK's Christmas shopping also came "amid recent revelations about the extent of domestic spying." Make of this what you will. ♦

Cord Accord

It is indeed a season of miracles: Congress has set partisan posturing aside and passed a bill that will facilitate the collection and dissemination of life-saving umbilical cord blood stem cells throughout the country. As Wesley J. Smith reported in these pages three weeks ago, the bill was being held hostage in the Senate by Democrats to leverage a floor vote on a bill to increase funding of controversial and speculative embryonic stem cell research, even though umbilical cord blood treatments have already proven to be efficacious. Majority Leader Bill Frist forced the issue by bringing the bill to the floor and

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requesting unanimous consent for passage; Tom Harkin initially refused. But decency—and perhaps even a sense of shame—prevailed. Since Frist had already promised a vote on the embryonic stem cell bill next year, Harkin removed his objection, and the bill passed both houses overwhelmingly. ♦

Right Hoekstra

Did Saddam Hussein destroy stockpiles of chemical and biological weapons in February 2003, as an internal Iraqi Intelligence document captured by the U.S. military seems to suggest? What happened at the "Secret Meeting Between Taliban Representative and Iraqi Government" in November 2000? Were France and Russia actually providing satellite images to the former Iraqi regime on the eve of war?

If Rep. Pete Hoekstra has his way, we may finally begin to get answers to these questions and others. Hoekstra, chairman of the House Intelligence Committee, like our colleague Stephen F. Hayes, is pushing the Bush administration and the intelligence community to release documents captured in postwar Iraq. Writing last week in the *Washington Times*, Hoekstra demanded access to this "vast array of foreign papers, documents, electronic media and other materials." Hoekstra continued: "These documents, stored in more than 35,000 boxes in a warehouse in the Persian Gulf, could constitute a treasure trove of intelligence related to Saddam Hussein and actions taken by his regime prior to the war in Iraq. Despite the possibility that these documents may contain critical information, a vast and untold amount dating back to Operation Desert Storm in 1991 still remains untranslated."

Hoekstra, along with Senator Pat Roberts, chairman of the Senate Select Intelligence Committee, called on Director of National Intelligence John Negroponte to declassify and release all of the documents. They further recommended creating an international commission of experts and academics to study the documents. The proposal is also being pressed by Senator Rick Santorum and Rep. Dana Rorhabacher.

Negroponte, THE SCRAPBOOK has learned, is not enthusiastic about this idea. His boss, George W. Bush, should be. ♦

Soros vs. the Czar

Global financier George Soros, bankroller of Democrats, liberal activists, and drug legalizers, had a lousy year. He started off 2005 watching the Bush Inauguration, having squandered tens of millions on Kerry for President, Inc. And as the year winds down, Soros faces the news that significant progress has been made in the "war on drugs" he opposes. A University of Michigan annual survey found that overall teen drug use has declined 19 percent since 2001, which means that 700,000 fewer teens are using illegal drugs today. There was a particularly sharp decline in methamphetamine use. This good news comes on the watch of—and we suspect partly due to the efforts of—Drug Czar John P. Walters, who became director of the White House Office of National Drug Control Policy in 2001 despite fierce opposition from Soros's legalization crowd. ♦

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Casual

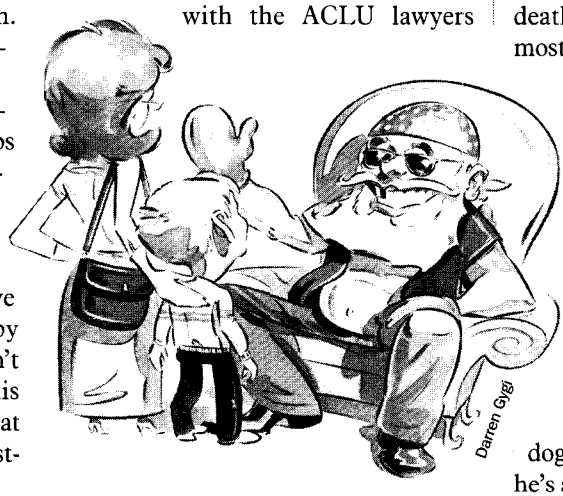
Yule Be Sorry

The so-called Christmas wars have raged for two months without my help, and I won't be adding to the din. I will admit, however, to being a Christmas fascist. Frequently lampooned, Christians are expected to silently turn the other cheek. But Christmas, it turns out, is a great time for paybacks. Don't flatter yourselves, baby-Jesus haters. We don't care whether you share our celebration. We just want you to be inconvenienced by it.

That's why, despite their histrionics, I secretly root for the beat cops at Fox News who take the nightstick to Baal-worshippers, ACLU lawyers, and Target clerks who have the gall to wish us "Happy Holidays" as we're trying to observe the birth of our Lord and Savior by buying big sacks of junk we don't need. But the sad thing about this battle is that it distracts us from what the season is really about: bad Christmas ornaments.

We've all bought them—or worse, made them. My own entry came when, as a schoolchild, I brought home a Santa-on-plywood number that I'd painted in runny watercolors. It looked as though it'd been done by a stoned Picasso during a train derailment. It was all a blur, except for the eyes. They were beat and bleary, as if Santa had just put down a fifth of muscatel in the parking lot of whatever mall he was working. My mom smiled wanly, taking my gift and placing it behind the tree, where proud moms the world over hide similar atrocities, from the "Angel Hair" doll made of cat shavings to the King Herod figurine constructed from uncooked elbow macaroni.

But bad Christmas ornaments get much worse than that. The other day, I spotted an ad for the "Merry Christmas From Heaven From Deceased in Pewter" ornament. Supposedly "heaven sent" by your recently departed loved one, it's engraved: *I love you dearly / Now don't shed a tear / I'm spending my Christmas / With Jesus this year*. Now, I hope to go to heaven as much as the next guy. But if it entails sitting down at a craft table and making treacly baubles to send back home, I'd rather get flame-broiled with the ACLU lawyers and Target clerks.



The dead-relative-in-pewter offering put me on a quest. Combing magazines, catalogs, and a little-known research tool I like to call "the information superhighway," I set out to find the world's worst Christmas ornament. Putting the "no" in "Noël" are porn ornaments, or "pornaments." I won't go into great detail, but suffice it to say Horny the Snowman sports the traditional carrot, though not for his nose.

If the scatological is more to your liking, you might go with the Yule Doo ornament, which looks like something Prancer would leave behind if Santa fed him too much table food. Alcohol is also a big tasteless favorite. Now that the Christmas season officially kicks off after St. Patrick's Day, why not go with the Mug of Green Beer ornament? Sticking with the alcoholism theme, the first step to recovery is admitting you have a problem. And nothing says "Daddy needs to check into Hazelden" like hanging the Yuengling Black & Tan beer-can ornament from your bough.

Political ornaments are also great fun, from Christopher Radko's George W. Bush head, to Dick Cheney's "F—Off" ornament, to the Stop Hate campaign's Matthew Shepard ornament, a plum colored bulb with "Matt" embossed in festive red lettering. The campaign's website recommends explaining it to "very young children" by gathering them around the tree and telling them, "When Matt was in college, he was robbed and beaten to death because he was different than most men." Now who wants wassail!

Being fat Americans, we not only like to look at our Christmas decorations, we like to eat them. That's why you'll find people hanging on the tree everything from chocolate-covered you-name-it to coconut-rolled Rice Krispie treats. In my own house, our nativity-scene manger is guarded by a ruck of strategically placed shepherds who keep our dog from eating the baby Jesus. But he's a dog. He doesn't know any better. Some people eat the Christ child on purpose. Online, I found edible nativity recipes that recommend making Jesus out of everything from a pretzel torso with a marshmallow head, to cocktail smokies wrapped in crescent rolls that suggest swaddling clothes.

Thanks to my wife, my own ornaments are tasteful, perfectly appointed constellations of vibrant blown-glass and Black Forest craftsmanship. Our Christmas music—I'm not so sure about. If she plays Paul McCartney's "Wonderful Christmas Time" one more time, I'm going to throw a rope around the top of our Scotch pine and hang myself from it, making for the worst Christmas ornament ever. Or maybe the second worst, behind Horny the Snowman.

Matt Labash

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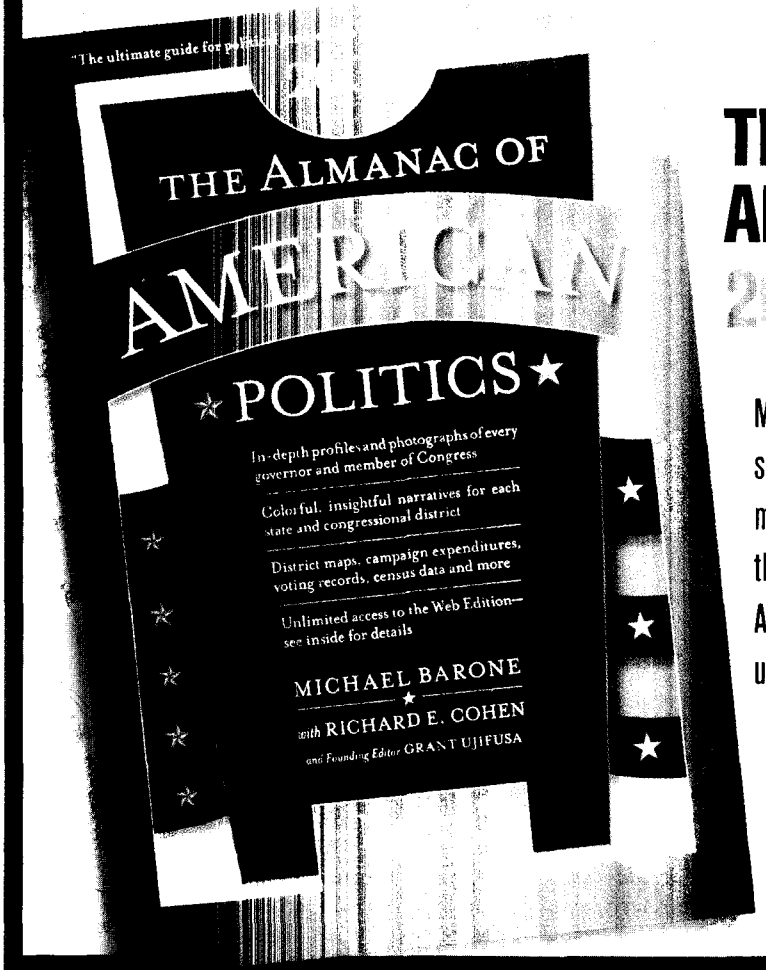

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Rumor, Swiftest of Evils

A provocative rant attributed to me by *Vanity Fair* writer James Wolcott and mentioned in The Scrapbook (Dec. 19) is inaccurate. I never wrote it. A prankster put the passage up on the comments section of my personal blog and maliciously pinned it on me. Before the manufactured paragraph could be struck, Wolcott papered it around the web without as much as an attempt to verify its source. The Scrapbook, understandably eager to chuckle at real and imagined divisions on the left, has now followed suit with equal disregard for veracity. Sorry to disappoint, but the *Nation* imposes neither a speech code nor a loyalty oath on its writers; additionally, its editors, with nary a grimace, have graciously weathered some stormier gusts that I really did write.

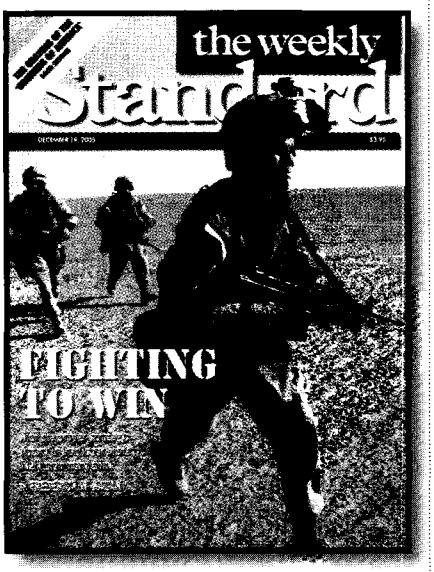
Marc Cooper
Woodland Hills, Calif.

A Take on Torture Talk

Although Charles Krauthammer's "The Truth About Torture" (Dec. 5) exposes the fundamental incoherence of John McCain's torture ban, Krauthammer muddies his otherwise careful analysis by taking a position that is also incoherent. He rightly criticizes the senator for arguing "no torture ever" while praising Israel, which uses physical coercion as standard practice; but then Krauthammer falls into incoherence by saying, "there is no denying the monstrous evil that is any form of torture," while claiming that torture can nevertheless be "a moral duty."

Holding this position amounts to saying that while evil is wrong all the time, it may at times be right. A "monstrous evil," then, would at times be moral, even while it remains monstrously evil—but that would be a contradiction.

I do not think Krauthammer and McCain are using the same definition of torture. McCain would have us ban "torture," by which he means any sort of "cruel, inhuman, or degrading" treatment, without any exception. How could any good person oppose that? And so McCain's amendment sailed through the Senate by a vote of 90 to 9. Although



McCain views "torture" as immoral by definition, Krauthammer's definition seems a bit more expansive and benign: *using coercion to get someone to divulge information he would not otherwise divulge*. They are referring to "torture" in different ways—one that is immoral by definition, and one that is not. If we use Krauthammer's view of "torture" as *applying coercion per se*, then, after setting proper boundaries for moral use, we should without apology defend our obligation to exercise justified coercion within those restraints. We should not, though, confuse moral categories by declaring good evil, or by declaring evil good.

Daniel R. Heimbach
Wake Forest, N.C.

Green Monster

David Skinner's "The Graying of the 'Greening of America'" (Dec. 19) was spot on, especially where he suggests that the word "greening" means rather something like the opposite of "maturing." When Charles Reich was still a young man, he wrote an article called "The New Property" in the *Yale Law Journal* that suggested there was a property right in government grants such as licenses to operate radio stations. Reich was positing that the government might have the power to give but that there were limits on its power to take away. Law school students are still reading this article, nearly fifty years after it was written. To move from something so original and important to claptrap such as *The Greening of America* really does require a perverse sort of development.

Thomas F. Berner
Yonkers, N.Y.

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The Paranoid Style in American Liberalism

No reasonable American, no decent human being, wants to send up a white flag in the war on terror. But leading spokesmen for American liberalism—hostile beyond reason to the Bush administration, and ready to believe the worst about American public servants—seem to have concluded that the terror threat is mostly imaginary. It is the threat to civil liberties from George W. Bush that is the real danger. These liberals recoil unthinkingly from the obvious fact that our national security requires policies that are a step (but only a careful step) removed from ACLU dogma.

On Monday, December 19, General Michael Hayden, former director of the National Security Agency and now deputy director of national intelligence, briefed journalists. The back-and-forth included this exchange:

> REPORTER: Have you identified armed enemy combatants, through this program, in the United States?
> GEN. HAYDEN: This program has been successful in detecting and preventing attacks inside the United States.
> REPORTER: General Hayden, I know you're not going to talk about specifics about that, and you say it's been successful. But would it have been as successful—can you unequivocally say that something has been stopped or there was an imminent attack or you got information through this that you could not have gotten through going to the court?
> GEN. HAYDEN: I can say unequivocally, all right, that we have got information through this program that would not otherwise have been available.

Now, General Hayden is by all accounts a serious, experienced, nonpolitical military officer. You would think that a statement like this, by a man in his position, would at least slow down the glib assertions of politicians, op-ed writers, and journalists that there was no conceivable reason for President Bush to bypass the Foreign Intelligence Surveillance Act (FISA) court. As Gary Schmitt and David Tell explain elsewhere in this issue, FISA was broken well before 9/11. Was the president to ignore the evident fact that FISA's procedures and strictures were simply incompatible with dealing with the al Qaeda threat in an expeditious manner? Was the president to ignore the obvious incapacity of any court, operating under any intelligible legal standard, to judge surveillance decisions involving the sweeping of massive numbers of cell phones and emails by high-speed computers in order even to know where to focus resources? Was the president, in the wake of 9/11, and with the threat of imminent new attacks, really supposed to sit on his hands and gamble that Congress might figure out a way to fix FISA, if it could even be fixed? The questions answer themselves.

But the spokesmen for contemporary liberalism didn't pause to even ask these questions. The day after Gen. Hayden's press briefing, the ranking Democrat on the House Judiciary Committee blathered on about "the Constitution in crisis" and "impeachable conduct." Barbara Boxer, a Democrat on the Senate Foreign Relations Committee, asserted there was "no excuse" for the president's actions. The ranking Democrat on that committee, Joseph Biden, confidently stated that the president's claims were "bizarre" and that "aggrandizement of power" was probably the primary reason for the president's actions, since "there was no need to do any of this."

So we are really to believe that President Bush just sat around after 9/11 thinking, "How can I aggrandize my powers?" Or that Gen. Hayden—and his hundreds of nonpolitical subordinates—cheerfully agreed to an obviously crazy, bizarre, and unnecessary project of "domestic spying"?

This is the fever swamp into which American liberalism is on the verge of descending.

Some have already descended. Consider Arlene Getz, senior editorial manager at *Newsweek.com*. She posted an article Wednesday—also after Gen. Hayden's press briefing—on *Newsweek*'s website ruminating on "the parallels" between Bush's defense of his "spying program" and, yes, "South Africa's apartheid regime."

> Back in the 1980s, when I was living in Johannesburg and reporting on apartheid South Africa, a white neighbor proffered a tasteless confession. She was

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"quite relieved," she told me, that new media restrictions prohibited our reporting on government repression. No matter that Pretoria was detaining tens of thousands of people without real evidence of wrongdoing. No matter that many of them, including children, were being tortured—sometimes to death. No matter that government hit squads were killing political opponents. No matter that police were shooting into crowds of black civilians protesting against their disenfranchisement. "It's so nice," confided my neighbor, "not to open the papers and read all that bad news."

I thought about that neighbor this week, as reports dribbled out about President George W. Bush's sanctioning of warrantless eavesdropping on American conversations. . . . I'm sure there are many well-meaning Americans who agree with their president's explanation that it's all a necessary evil (and that patriotic citizens will not be spied on unless they dial up Osama bin Laden). But the nasty echoes of apartheid South Africa should at least give them pause.

Yup. First the Bush administration will listen in to international communications of a few hundred people in America who seem to have been in touch with terrorists abroad . . . and next thing you know, government hit squads will be killing George W. Bush's political opponents.

What is one to say about these media-Democratic spokesmen for contemporary American liberalism? That they have embarrassed and discredited themselves. That they cannot be taken seriously as critics. It would be good to have a responsible opposition party in the United States today. It would be good to have a serious mainstream media. Too bad we have neither.

—*William Kristol*

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Disorder in the Court

Since shortly after September 11, 2001—and under the terms of a formal order signed by the president of the United States sometime early the following year—the Pentagon's giant signals-intelligence division, the National Security Agency, has monitored "the international telephone calls and international email messages of hundreds, perhaps thousands, of people inside the United States without warrants." So reported the *New York Times* more than a week ago. Official Washington is appalled.

Isn't this sort of thing supposed to be illegal—unconstitutional, even? And why would the president think such unilateral domestic spying necessary to begin with? Why couldn't the Justice Department first seek permission from the special judicial panel established for precisely such circumstances by the Foreign Intelligence Surveillance Act of 1978? It's not as though this so-called FISA court was likely to turn them down, after all; that's happened fewer than a half-dozen times in nearly 30 years. And it's not as though the court's rules weren't flexible enough to accommodate the occasional intelligence-community emergency, either. When necessary, and by statute, the government is allowed to seek and secure FISA court approval for relevant wiretaps up to 72 hours *after* those wiretaps are turned on.

Besides which, if the president really was convinced that U.S. counterterrorism requirements included a program of domestic surveillance beyond what FISA authorized, how come he didn't just ask Congress to amend that law—instead of granting himself apparent permission to violate its very essence?

As we say, Washington is aghast. Mind you: It's not that anybody's especially eager to conclude that George W. Bush is a yahoo Texas cowboy engaged in sweeping, Big Brother-like invasions of American privacy simply because his coterie of whack-job Federalist Society lawyers tell him that presidents should do whatever the hell they want, and this would be an excellent way to prove it. That's not it at all. Democratic National Committee chairman Howard Dean reports that the mere contemplation of such a possibility is "painful" to him. He is bearing this pain, however—he and everyone else in the president's metastasizing army of critics. Their question persists: Why on earth—in the immediate aftermath of 9/11, when our need for meaningful signals intelligence was presumably at its zenith—would the president not have turned first, for assistance, to the Foreign Intelligence Surveillance Court?

Because that would have been insane, that's why.

Set aside, for the moment, all the broad and complicated questions of law at issue here, and consider just the factual record as it's been revealed in any number of authoritative, after-the-disaster investigations. According to the December 2002 report of the House and Senate intelligence committees' *Joint Inquiry into the Terrorist Attacks of September 11, 2001*, for one, the FISA system as a whole—and the FISA court in particular—went seriously off the rails sometime around 1995. A false impression began mysteriously to take hold throughout the government that the FISA statute, in combination with the Fourth Amendment, erected an almost impermeable barrier between intelligence agents and law enforcement personnel where electronic eavesdropping was concerned. And by the time, a few years later, that Osama bin Laden had finally become an official counterterrorism priority, this FISA court-enforced "wall" had already crippled the government's al Qaeda monitoring efforts.

Absent specific, prior authorization from the FISA court, federal al Qaeda investigators were formally prohibited from sharing surveillance-derived intelligence information about terrorism suspects and plots with their law enforcement counterparts. And in late 2000, after federal prosecutors discovered a series of legally inconsequential errors and omissions in certain al Qaeda-related surveillance applications the FISA court had previously approved, the court's infamously prickly presiding judge, Royce Lamberth, appears to have had a temper tantrum ferocious enough to all but shut down the Justice Department's terrorism wiretapping program. "The consequences of the FISA Court's approach to the Wall between intelligence gathering and law enforcement before September 11 were extensive," the *Joint Inquiry* explained. "Many FISA surveillances of suspected al Qaeda agents

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expired because [Justice officials] were not willing to apply for application renewals when they were not completely confident of their accuracy." And new applications were not forthcoming, the result being that, at least by the reckoning of one FBI manager who testified before the intelligence committees, "no FISA orders targeted against al Qaeda existed in 2001" at all. Not one.

Non-Justice intelligence agencies quailed before Judge Lamberth, too, it should be noted. The National Security Agency, for example, "began to indicate on all reports of terrorism-related information that the content could not be shared with law enforcement personnel without FISA Court approval." It used to be, not so long ago, that NSA's pre-9/11 timidity about such eavesdropping was universally considered a terrible mistake. The agency's "cautious approach to any collection of intelligence relating to activities in the United States," the *Joint Inquiry* concluded, helped blind it to the nature of al Qaeda's threat. NSA "adopted a policy that avoided intercepting communications between individuals in the United States and foreign countries." What's more, NSA adopted this unfortunate policy "even though the collection of such communications is within its mission," even though "a significant portion of the communications collected by NSA" has *always* involved "U.S. persons or contain[ed] information about U.S. persons," and even though "the NSA and the FBI have the authority, in certain circumstances, to intercept . . . communications that have one communicant in the United States and one in a foreign country."

"One such collection capability" mentioned in a heavily redacted section of the *Joint Inquiry* report sounds like it might be especially relevant to the current controversy over President Bush's Gestapo-like tendencies. It seems there's long been something called "the FISA Court technique," a category of electronic surveillance distinguishable from ordinary, FISA-regulated eavesdropping by its higher probability of capturing "communications between individuals in the United States and foreign countries"—but meeting the "approval of the FISA Court" just the same. Alas, "NSA did not use the FISA Court technique" against our nation's enemies in the old days, "precisely because" of its allergy to domestic surveillance. And "thus, a gap developed between the level of coverage of communications between the United States and foreign countries that was technically and legally available to the Intelligence Community and the actual use of that surveillance capability."

Sounds like it would have been a really, *really* good idea for NSA to have gone ahead and done this stuff back before 9/11. So why is it such an atrocity that President Bush has them doing it now?

—David Tell, for the Editors

Michael Ramirez

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Constitutional Spying

The solution to the FISA problem.

BY GARY SCHMITT

THE FOREIGN INTELLIGENCE Surveillance Act (FISA) is a chronic problem. The controversy over President Bush's decision to bypass FISA warrants in the electronic surveillance of al Qaeda operatives has highlighted the act's limitations. But FISA has been a problem ever since it became law in 1978.

Congress passed and President Carter signed the bill regulating electronic surveillance for foreign intelligence collection in the wake of an extended, post-Watergate debate about the so-called "imperial presidency." The debate was given added urgency by reports and official investigations of indiscriminate snooping in this country by elements of the U.S. intelligence community. However, like so much else from that period, the broad arguments about the president's role in the constitutional order were wrong, and the laws designed to correct real problems created a new set of problems.

One irony of today's debate is that so many liberals are now defending FISA. Previously, a common complaint from the ACLU and others was that the secret federal court that issues warrants for foreign intelligence surveillance in this country had become a "rubber stamp" for the executive branch. Out of the thousands of applications put forward by the Department of Justice to the panel over the years, only a handful had ever been rejected. Instead of a check on executive authority, the court had become complicit in its activities—or so it was said.

And to a certain extent that has been the case. Yet the reason for the high percentage of approvals has less to do with deference to executive judgment than with FISA's standard for obtaining a warrant when it involves surveillance of an American citizen or an alien residing legally in the United States. Before the government can get a warrant, the Justice Department must put together a case to present before the court stating the "facts and circumstances relied upon . . . to justify [the attorney general's] belief that the target is an agent of a foreign power" or "engages . . . in international terrorism." And the FISA judges can only grant the warrant when "there is probable cause to believe that the target" is engaged in espionage or terrorism. In short, before the government can collect intelligence on someone by breaking into his house or tapping his phones, it had better already have in hand pretty persuasive evidence that the person is probably up to no good. FISA is less about collecting intelligence than confirming intelligence.

This shouldn't be news. The inability of the FBI to aggressively pursue suspected foreign agents on U.S. soil was well aired in the 9/11 post-mortems, especially the notorious case of the "20th hijacker," French Moroccan Zacarias Moussaoui. His laptop was in the possession of FBI agents in Minneapolis in August 2001 but, for want of a warrant, was not searched before 9/11.

Gary Schmitt is director of the program on advanced strategic studies at the American Enterprise Institute and former executive director of the President's Foreign Intelligence Advisory Board.

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Though much of the court's workings are classified, there are known instances in which FISA's "probable cause" standard prevented the government from getting warrants where common sense made it perfectly clear surveillance was justified. Notably, there was the case of Wen Ho Lee, the Chinese-American scientist who worked at the Los Alamos nuclear weapons lab. Lee downloaded nuclear codes and databases from the lab's secure computers. "In the wrong hands," his boss noted, such information could "change the global strategic balance." Despite this, and the fact that Lee had access to a warhead design that had leaked to the Chinese, had visited China in the period when Beijing apparently acquired the data, and had obvious friendly ties to Chinese nuclear scientists, it was judged that a FISA warrant could not be obtained. It didn't matter how grave the damage might be if Lee was actually engaged in espionage; what mattered was the government had no real evidence that Lee was a likely spy.

In retrospect, the fastidiousness shown in the Lee and Moussaoui cases seems ludicrous, and some politicians and experts who have an interest in saving FISA have argued that the law was read too narrowly in both instances. Yet the law is what it is. And certainly it is these same politicians and experts who would be the first to complain about the government not abiding by FISA's standards should a case come to light involving dubious surveillance. Contrary to what many might think, the FBI, NSA, and the permanent bureaucracy at the Department of Justice have supported FISA primarily because it provided a line that they believed protected their organizations from the kinds of public trouble, political second-guessing, and congressional investigations that plagued them in the 1970s. And, for the most part, it has—although at an obvious cost.

More broadly, the law rests on a shallow understanding of the Constitution's system of separated powers. FISA's supporters believe that life without the law would lead to unfettered executive power and violate the system's guiding principle of "checks and balances." What the Constitution demands, in their view, is a two-key approach to public authority: No branch gets to act in key instances without concurrent approval from a second branch.

That approach, however, conflates the Constitution's scheme of "checks and balances" with its more fundamental system of separated powers. Although some checks do exist—like the president's qualified veto over legislation, or the Senate's role in confirming nominations—they are not the norms for government action but the exceptions. Far more common is for the president, Congress, and the courts to do their own thing, each interacting with the others indirectly and rarely concurrently.

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And that is the way it was meant to be. Justice Brandeis's famous line that the "doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power" is at best a half truth. After a decade of living under the Articles of Confederation, and seeing state legislatures run roughshod over weak executives, the Constitution's drafters wanted a system of separated powers that would free up the executive, not tie it down. By the time they convened in Philadelphia, the bias against the executive that arose from the fight with the British crown was pretty well gone. So much so that *The Federalist* would argue during the ratification debate that "energy in the executive is a leading character in the definition of good government" and that "decision, activity, secrecy and dispatch" were qualities only a unitary and independent executive could provide.

It's no surprise then that it is precisely these qualities that we see in President Bush's decision to go around FISA in the wake of 9/11 and to order the National Security Agency to conduct warrantless surveillance of emails and calls going back and forth from suspected al Qaeda operatives abroad to the United States, and vice versa.

Some critics of the president's actions have argued that he should have asked Congress to amend FISA to meet these new circumstances. Leave aside the practicalities of getting legislation of this sort passed in a timely manner, and without the underlying rationale leaking. This president (or any president worth his salt) would only accept legislation that either confirmed his discretionary authority, or reduced the standard for getting a warrant to some minimal requirement that the collection be "reasonably" connected to the country's foreign intelligence needs.

But if legislation of that type were passed, what role would the FISA court actually play? Either it really would become a rubber stamp, or it would become a surrogate executive confirming or denying a warrant based on reasoning that isn't, at bottom, judicial. Do we really want judges to play the role of second-guessers of executive branch decisions, substituting their own judgment on matters of national security for that of the president and his duly appointed subordinates?

So, then, what is to be done? Well, to start, we should have a serious debate about abolishing FISA and restoring the president's inherent

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constitutional authority to conduct warrantless searches for foreign intelligence purposes. And no, this wouldn't return us to the bad old days of a snooping J. Edgar Hoover. Within the executive branch there are now reams of guidelines and teams of inspector generals that make renegade operations improbable or, at least, difficult to keep hidden very long.

Just as important, there are now standing intelligence committees in both the House and the Senate. One of the odd effects of FISA has been to take serious and sustained congressional oversight of electronic surveillance off the table. The constitutional body that should be watching the executive's discretionary behavior is, after all, primarily Congress.

Here we reach the nub of the matter: The Founders, in the words of *The Federalist*, did not think it was wise or even possible to set a "limitation of that authority which is to provide for the defense and protection of the community." At the end of the day, a government has to do what is necessary to protect itself and its people. Yet, at the same time, the Founders believed in limited government. How did they square the circle? When it comes to the conduct of war, the history is pretty clear: They expected presidents to do what was required to secure the country's safety. But they did anticipate that Congress would play the role of Monday-morning quarterback: exposing malfeasance when called for, adding or cutting off funds when necessary, passing laws to regularize the exercise of executive discretion without undermining it, and, in the face of truly egregious behavior, being ready to impeach a president.

Obviously there is no neat solution to the problem of power and responsibility. However, as Winston Churchill said about democracy itself, the system of discretion and oversight the Constitution establishes is the worst possible solution—except for all others that have been tried. ♦

Another Cloning "Breakthrough"

The world's first phony stem cells.

BY WESLEY J. SMITH

IN FEBRUARY 2004, Woo-Suk Hwang made world headlines when he claimed to have cloned human embryos using a technique called somatic cell nuclear transfer, and then to have derived a line of stem cells from the embryos that could be used for medical research. Enthusiasm for this first "successful" experiment in human cloning, published in the prestigious peer-reviewed journal *Science*, was tempered by the inefficiency of the process: It took 242 human eggs to get just one embryonic stem cell line.

That problem seemed solved when, last May, Hwang published another article in *Science* asserting that he had again successfully cloned human embryos, this time deriving 11 stem cell lines and, moreover, reporting an astounding 10-fold increase in egg-use efficiency. Cloning proponents were giddy, declaring that the age of therapeutic cloning was nigh. Soon, they predicted, sick patients would be able to clone embryos made of their own tissue, from which, in turn, genetically matched stem cells could be derived for use in regenerative medical treatments.

Hwang's paper was greeted joyously by cloning advocates and their media allies in the United States for another reason: The research had been done in South Korea. Hwang's "breakthrough" therefore proved that the United States was "falling behind" in stem cell research. Hence, they argued, President Bush's policy limiting federal funding of embryonic stem cell research to lines created before August 9, 2001, must be overturned to permit American research to flourish.

Meanwhile, Hwang was lauded internationally as a genius and embraced by his countrymen as a national hero. The South Korean government created a postage stamp in his honor, depicting a figure leaping out of a wheelchair. (Never mind that such therapeutic benefits remained hypothetical; never mind that an unjustly neglected South Korean colleague had already restored partial mobility and feeling to a paralyzed woman using umbilical cord blood stem cells that require no cloning and no sacrificed embryos.) Hwang looked like a Nobel laureate in waiting.

Then the roof caved in. In mid-November, Hwang's American research partner, Gerald Schatten of the University of Pittsburgh, severed ties with him, complaining that the South Korean had purchased the human eggs used in his experiments—in violation of ethical canons requiring that they be donated—and lied about it. Then came word that some of the photographs depicting the stem cell lines that had accompanied Hwang's 2005 paper were duplicates, not originals. But this didn't seem too serious. *Science* claimed it was a production error.

Shortly after that, however, came rumors, followed by open accusations, that Hwang had committed research fraud. A junior researcher said that rather than *Science* being to blame for publishing the wrong pho-

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tos, Hwang had actually forced him to submit duplicates to make it appear that his experiments had succeeded beyond their actual merit. Another of Hwang's colleagues claimed that the second experiment had required hundreds more eggs than reported. If true, it would mean that the egg efficiency problem with human therapeutic cloning remains unsolved.

But this was all a prelude to the real drama: On December 15, Roh Sung Il, one of Hwang's 2005 *Science* coauthors, charged that 9 of their 11 stem cell lines were faked, and that the remaining two lines might not exist at all. South Korean scientists, academics, and media clamored for independent verification of all of Hwang's work. At first, Hwang's lab stonewalled. Then Hwang held a press conference, and matters became even more confused.

His responses were chaotic, his story continually evolving. He denied faking the research. But he also acknowledged that only three of the embryonic stem cell lines had passed a necessary test to prove their viability. Then, sounding like Captain Queeg, he claimed that he was the victim of a nefarious plot in which someone, somehow, had switched his cloned stem cell lines with embryonic stem cells derived from in vitro fertilization embryos. Finally, he asserted some of the stem cell lines had been destroyed by fungi, but that he was thawing five frozen samples to prove he had actually created cloned embryos and derived stem cells from them.

Last Friday, however, all pretense of innocence was dropped, when an investigatory panel from Hwang's university declared that at least 9 of the 11 stem cell lines were faked. (The other two are still under investigation.) The ruse apparently involved splitting an original cell sample into different test tubes and then claiming one cell line was from the patient and one from a clone. In this way, Hwang somehow convinced one of the world's most prestigious journals—and through it, the world—that he was a historic figure in science. Hwang resigned his university post in disgrace.

Hwang's implosion leaves the field of human cloning research in a state of meltdown. Their poster boy is at best a liar, at worst a fraud and a charlatan who never created human clones at all.

This debacle raises several interesting questions: What does it tell us about the thoroughness of the peer review process? Why were younger South Korean scientists able to discover Hwang's missteps when the presumably more seasoned peer reviewers for *Science* failed? Will the American media take a cue from their courageous counterparts in South Korea, who pursued this story until it cracked, and finally bring skepticism to their coverage of biotechnology? More to the point, will the adult/umbilical cord blood stem cell successes that have emerged one after the other in recent years finally receive the attention they deserve in the mainstream press, which has been so intoxicated with embryonic research as virtually to ignore nonembryonic breakthroughs?

Don't count on it. The pro-cloning political forces, and their media allies, recognize the potential of the Hwang fiasco to damage their cause, so they have quickly regrouped and begun to furiously spin the story. The same voices that not long ago railed against President Bush's stem cell funding policies for supposedly allowing America to fall behind the cutting-edge research in South Korea, now indignantly blame Bush for creating a hyper-competitive atmosphere that led to Hwang's failures. "Ethics can get forgotten as other nations and private companies race to fill the void left by the president's reluctance to fund stem cell research," wrote bioethicists Arthur Caplan and Glenn McGee in the Albany *Times Union*. "Only a properly funded U.S. stem cell research program will guarantee oversight and the protection of all involved."

That might possibly be true if scientific fraud were the only ethical problem associated with the human cloning agenda. But it isn't. Indeed, the bioethicists should ponder how science's core values of integrity and objectivity are being corroded by the passionate political pursuit of a legal license to clone.

For years, human cloning has been promoted through propaganda techniques of misrepresentation, exaggeration, and false hope for the suffering. Take the profoundly deceptive $35 million political campaign that last year convinced California voters to pass Proposition 71, authorizing the state to borrow $3 billion to subsidize research into somatic cell nuclear transfer cloning and embryonic stem cells. In order to induce wary voters to endorse billions more in debt despite the red ink flowing catastrophically out of California's coffers, proponents promised that the state would one day garner a bounteous return from royalty and tax payments, perhaps eventually recouping all the money borrowed to fund the initial research. (Voters should have asked themselves why, if this were true, the state's numerous venture capitalists hadn't been clever enough to fork over the $3 billion.)

Thus Robert Klein, the driving force behind the initiative and now head of the California Institute for Regenerative Medicine, assured voters that universities and private firms receiving grants would share $1 billion or more in royalties with the state. But, as reported by the *San Francisco Chronicle* and elsewhere after the election, it now appears that little, if any, royalty money will ever be returned to the state. "What Klein knew before the election was that such royalty-sharing by the state might be hampered by federal regulations, according to an attorney who helped Klein draft the initiative," the *Chronicle* reported. "Yet he didn't tell voters."

That wasn't all. When opponents of Proposition 71 asserted in the official ballot arguments that the initiative would subsidize human cloning, the pro-71 campaign sued to prevent

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the argument from being mentioned in the state's voter election guide—even though the initiative explicitly created a state constitutional right to conduct human somatic cell nuclear transfer, the scientific name for a human cloning technique. (The judge saw right through the ruse, and ruled that human cloning was at the heart of the initiative.)

Then there is the ongoing hype about the medical potential of cloning, which reached cruel heights in the wake of President Reagan's death from Alzheimer's disease. Using the widespread public mourning for Reagan as a backdrop, human cloning advocates argued that Alzheimer's could be cured if only the impediments to federally funded embryonic stem cell research were pushed out of the way.

In fact, though, Alzheimer's disease is extremely *unlikely* to be effectively treated with stem cells, whether cloned or natural. As *Washington Post* science reporter Rick Weiss allowed in a June 10, 2004, article, "the infrequently voiced reality, stem cell experts confess, is that, of all the diseases that may someday be cured by embryonic stem cell treatments, Alzheimer's is among the least likely to benefit." This is because Alzheimer's is a whole brain disease that "involves the loss of huge numbers and varieties of the brain's 100 billion nerve cells—and countless connections, or synapses, among them."

If stem cells have little "practical potential to treat Alzheimer's," why do proponents of cloned-embryo research continue to invoke a cure for Alzheimer's in their sales pitches? Weiss quoted Ronald D.G. McKay, a stem cell researcher at the National Institute of Neurological Disorders and Stroke: "To start with, people need a fairy tale. Maybe that's unfair, but they need a story line that's relatively simple to understand."

So where are we in the cloning debate? At this point, we don't know whether human cloning has been successfully accomplished or not. We don't know whether embryonic stem cells have been derived from cloned embryos. We don't know to what depths the dishonesty of the seemingly most successful researcher in the field actually descended.

We *do* know that cloning proponents in this country are avid in their desire for billions in federal and state money to pay for morally problematic and highly speculative research that the private sector generally shuns. And we *do* know that some advocates of this public policy agenda are more than willing to play fast and loose with the facts in order to get their way. In short, the human cloning agenda is falling into public disrepute—and for that, proponents of the agenda have no one to blame but themselves. ♦

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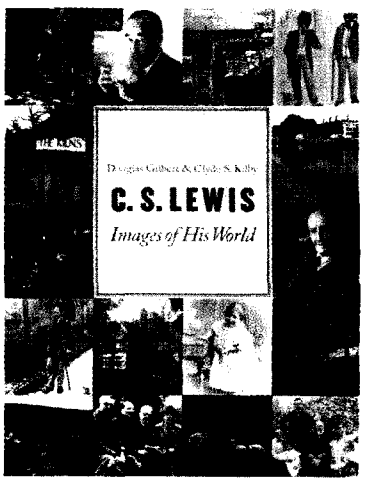

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A Congress of Mayors

The GOP's new suburban strategy.

BY FRED BARNES

MARK KIRK is a worried Republican who represents a House district in the suburbs north of Chicago. In the 1960s, the seat was held by a young Republican named Donald Rumsfeld, now defense secretary. Once safely Republican, the district has been drifting Democratic for years. The last Republican presidential candidate to win the district was George Bush Senior in 1992. George W. Bush lost there by four percentage points in 2000, by six in 2004. In races for state and local offices as well, Democrats now dominate.

Kirk, a 46-year-old moderate, has had little trouble holding his congressional seat. He got 64 percent of the district's vote in 2004 compared with Bush's 47 percent. But all around him, Kirk sees the Republican party crumbling. And it's a pattern in the Midwest and East (not the Deep South or Plains).

Older, close-in, inner suburbs—or "inurbs," as Kirk calls them—began to vote Democratic in the 1990s, and the trend has continued into the new century. The latest example was the Virginia governor's election in November. The populous northern Virginia suburbs outside Washington, D.C., voted lopsidedly for Democrat Tim Kaine: Arlington (74 percent), Alexandria (70), and Fairfax (60). Kaine won.

In political terms and in lifestyle, the suburbs have changed dramatically in the past two decades. Cities have spilled into suburbs, which are now densely populated and filled with singles, minorities, and people with an urban temperament. By the millions, families with children have migrated to the outer suburbs or located there in the first place. "The Republican party is doing very well in the exurbs," Kirk says, "but not so well in the inurbs."

He has a pet theory that partly explains why the exurbs are more conservative and vote Republican overwhelmingly while the old suburbs have become less conservative and more Democratic. The exurbs are home to entrepreneurs and managers who run family-owned companies or are in sales. They deal constantly with government—IRS, regulatory agencies, bureaucrats of all types—and find the experience frustrating. They vote for Republicans who would trim government. Professionals—lawyers, architects, professors—tend to live in the inner suburbs and they have few conflicts with government. They vote for Democrats on lifestyle issues such as abortion and gun control.

To cope with the transformed suburbs, Kirk has formed a "suburban strategy caucus" among House Republicans, 22 of them at the moment. And he has developed an agenda of what he calls "20 defining issues to win the suburbs and keep our Republican majority" in the House. These include the use of federal databases for background checks on teachers and a federal law requiring filters to block pornography on computers in schools and libraries.

Kirk had the 20 issues tested by pollster John McLaughlin in the inner ring of suburbs around Chicago. Twelve of the issues polled over 80 percent positive, and only two polled under 70 percent (while still receiving majority support). The top four were approved by 90 percent or more: teacher checks (95 percent), tax credits for small businesses that provide health insurance (93), portability of health insurance (93), and mandatory Internet filters (91). "If we talk about stuff like this," Kirk says, Republican strength in the suburbs will "snap back quickly."

To Kirk's surprise, one major issue in the exurbs—reducing traffic congestion—didn't register favorably in the suburbs. Asked if they wanted privately built toll roads, "voters said they'd rather the highways not be there."

Many of the issues reflect the advice of Republican national chairman Ken Mehlman that House Republicans act like a "federal mayor" stressing issues of local concern rather than foreign or national economic policy. "Why do people like mayors? Mayors solve problems."

The key, Kirk says, to advancing this agenda is making it appealing to conservatives. If Republican conservatives dismiss it, Kirk's suburban agenda will have no chance of passage in Congress and will not be taken seriously by voters.

So a number of his suburban issues have a strong conservative imprint. The 14th-highest polling issue (79 percent approval) was barring states from issuing driver's licenses to illegal immigrants. The 20th was a flat tax at 20 percent to replace the federal income tax. Fifty-seven percent favored it, 55 percent of swing voters.

The most immediate task for Republicans in the suburbs is to protect the 14 House members whose districts were won by Democrat John Kerry in 2004. These include three from the Philadelphia suburbs (Mike Fitzpatrick, Curt Weldon, and Jim Gerlach). Kirk believes Bush lost Pennsylvania because of a poor showing in the suburbs and that he won Ohio because of his better showing in the Cleveland, Cincinnati, and Columbus suburbs.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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One of the 14 vulnerable seats is currently held by Bob Beauprez, who represents the suburbs of Denver. He is retiring to run for governor of Colorado. His district is regarded as the most vulnerable Republican seat in the nation. The most vulnerable Democratic seat? That belongs to Melissa Bean, whose Illinois district is adjacent to Kirk's. She defeated Republican Phil Crane with 52 percent of the vote in a district Bush won with 56 percent. A dozen House Democrats represent suburban districts captured by Bush last year.

Kirk says his poll-tested suburban issues must be put in the form of legislation in the next few weeks. Otherwise, they'll have no chance of passage in 2006 or of even being seriously discussed. The stakes are high. Should Republicans regain ground lost in the suburbs, their slim national majority would suddenly become secure. ♦

Professor of Terror

Why Sami al-Arian got off this time.

BY RONALD RADOSH

THE ACQUITTAL on December 6 of Sami al-Arian, a former professor of computer engineering at the University of South Florida, on eight counts relating to terrorism was a setback not only for the Department of Justice and the Bush administration, but also for the struggle against Islamic extremism itself. That the Florida jury deadlocked on another nine counts, however, leaves open the possibility of his ultimate conviction.

Al-Arian was indicted in February 2003 for his involvement with Palestinian Islamic Jihad, a group that engages in terrorist acts including suicide bombings in Israel, Gaza, and the West Bank. And his trial did clarify once and for all—after years of denial by the professor and his supporters—that Al-Arian was a member of Palestinian Islamic Jihad, approved of its goals and methods, and raised money in the United States to finance its activities. Nevertheless, after five months of trial and 13 days of deliberation, the jury found Al-Arian not guilty on the most serious counts against him, including conspiracy to murder and maim abroad.

Ronald Radosh, an adjunct senior fellow at the Hudson Institute, is coauthor of The Rosenberg File.

On these counts, the prosecution may have overplayed its hand. The Department of Justice built its case on nine years' worth of secret surveillance (fully authorized under the Foreign Intelligence Surveillance Act, by the way), including almost 500,000 intercepts of faxes and phone conversations, many of them exchanges between Al-Arian and leaders of Palestinian Islamic Jihad. The terms of the Patriot Act made this evidence admissible in court. And it showed Al-Arian's sympathies and intent beyond any doubt.

Government Exhibit T-516, for example, is a letter written by Al-Arian on February 10, 1995, to Ismail al-Shatti, a member of the Kuwaiti legislature. In the letter, Al-Arian noted that both Hamas and Islamic Jihad were "being threatened by the enemy." Al-Arian called for "preserving the spirit and flame of Jihad against the enemy," and went on to praise a recent suicide bombing in Israel carried out by "martyred mujahedeen" as "the best guide and witness to what the believing few can do in the face of Arab and Islamic collapse at the heels of the Zionist enemy." Al-Arian urged al-Shatti to "extend true support of the jihad effort in Palestine so that operations such as these can continue." He described the movement's "very difficult" financial situation and urged Al-Shatti to explore "the feasibility of assistance from benevolent people and institutions whom you know to the jihad in Palestine." The prosecution showed that Al-Arian spoke about the letter on the phone two days after writing it, asking a friend to "carry the message" overseas when he went abroad.

While the prosecution stressed the hideous nature of Islamic Jihad's attacks on civilians, it did not establish a link between Al-Arian and any specific act of violence. And it failed to persuade the court that the law required no such link for a conviction. This left an opening for the defense to argue—as Al-Arian's friends long had—that he was simply a professor persecuted for his political beliefs. The 1995 letter, the defense claimed, proved only that Al-Arian was a zealous crusader for the Palestinian cause, who wrote and spoke against the Israeli "occupation" of Palestine. Moreover, no evidence was provided that Al-Arian ever mailed the letter, or that al-Shatti ever received it.

But whatever mistakes the prosecution may have made, it cannot be blamed for Judge James Moody's confusing instructions to the jurors. As if collaborating with the defense—and over the prosecution's objections—the judge told the jury, "Our law does not criminalize beliefs or mere membership in an organization. A person who is in sympathy with the legitimate aim of an organization, but does not intend to accomplish that aim by a resort to illegal activity, is not punished for . . . lawful purposes of speech." Even advocating the use of force, the judge instructed the jury, is permissible as long as the words used are "not directed at inciting or producing imminent or lawless action." Al-Arian could be found guilty only if

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"the evidence proves he committed a crime charged in the . . . indictment."

What the judge did not emphasize—and the jurors either did not understand or, in an act of nullification, chose to ignore—was that fundraising for a terrorist group is a federal crime every bit as much as personally planting a bomb. In 1996, Congress changed the law, correcting an earlier statute that required the government to prove that money sent to illegal terrorist groups was earmarked and used for the execution of terrorist acts. The new statute, section 18 U.S.C. 2339B, which became law in October 1997, prohibits "material support to designated terrorist organizations" whether or not it can be tied to particular acts.

As Wake Forest law professor Robert M. Chesney explained in a Harvard legal study, "the legislation creating 18 U.S.C. 2339B expressly stated a Congressional finding that all forms of aid—but especially financial aid—given to foreign terrorist organizations enhanced their capacity to cause harm, irrespective of the donor's intent." That groups like Hamas perform charitable functions for their constituency as well as committing acts of violence does not exempt a fundraiser from prosecution on the grounds that he only meant to help their worthwhile efforts.

Al-Arian's defense team, then—with help from the judge—succeeded in transforming a terrorism trial into a trial over free speech. The prosecution valiantly tried to prove that he was as guilty under federal law as the suicide bombers he supported and financed. The jury wasn't convinced.

A source high up in the Department of Justice who is close to the prosecution summed up the outcome this way: "Justice might have been better served by admitting up front that they were not trying to prove he ordered and funded a specific terrorist attack or suicide bombing; only that he engaged in raising money for an illegal terrorist group and arranged for its receipt by them, for which he was ably thanked. By spending much time showing the jury the horror of PIJ attacks upon civilians, the jury was reinforced in its thinking that the government had to prove Al-Arian's support of these specific acts."

At this writing, the Department of Justice is reportedly close to deciding to prosecute Al-Arian on the charges on which the jury was split. In any new trial, prosecutors would concentrate on the funding alone, a clear violation of the law. With the Patriot Act in danger of being rescinded early next year, it is essential to proceed quickly to a new trial. ♦

The Power of 55

Senatorial arithmetic is on Alito's side.

BY TERRY EASTLAND

ANY ASSESSMENT of the prospects for the Alito nomination must begin with the fact that Republicans hold the Senate. That matters—a lot. Under the Constitution the president and the Senate play the key roles in Supreme Court appointments. Simply put, the president nominates and the Senate approves—or fails to approve—the nominee. It makes sense to think that when members of the same party control both the White House and the Senate, a Supreme Court nomination is likely to succeed. And the history of Supreme Court nominations backs that up. David Brady, a professor of political science at Stanford and deputy director of the Hoover Institution, says that while two-thirds of all high court nominations have succeeded, the percentage goes up to 85 percent when senators of the same party as the president's are in the majority.

The Republican Senate is an obvious impediment for the liberal interest groups that have made judicial appointments a chief concern ever since Ronald Reagan nominated Robert Bork to the Supreme Court in 1987. It is hardly a news flash to report that those groups work intimately with Democratic senators and especially their staffs. When they succeeded in their effort to block the Bork nomination, it bears remembering, the Democrats controlled the Senate, 55 to 45.

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Today, the Republicans are at 55. And so the influence of the anti-Alito groups stands to be limited. Earlier this year, only 22 senators—all Democrats—wound up voting against John Roberts, President Bush's choice to be chief justice. And among the Democrats who did vote for him was, surprisingly, Vermont's Patrick Leahy, the ranking minority member of the Senate Judiciary Committee.

Judge Samuel Alito will take his seat before that committee on January 9. But while it seems likely that more than 22 Democrats will oppose the judge, the nomination doesn't appear to be in trouble. The leading precedent for a failed nomination is, of course, Bork's. But in the run-up to the hearings, the Alito nomination has not tracked the same path as Bork's did.

Significantly, no Senate Democrat has followed the example of Ted Kennedy the day the Bork nomination was announced. Kennedy, you'll recall, made a short speech about "Robert Bork's America." It contained distortions and outright lies, and was thought at the time to be a tactical mistake. But it inspired the groups opposed to Bork, which totaled more than 300. Soon the Judiciary Committee chairman, Joseph Biden, joined Kennedy in opposing Bork. That was pivotal. With the advice and consent of senators who

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mattered, the groups carried out an intense political campaign against the nominee. As the hearings drew near, the presumption in favor of confirmation that exists even when the party opposite the president's controls the Senate was largely eroded.

But that presumption still holds in Alito's case. To be sure—and notwithstanding their weaker position in the Senate—the liberal groups have swung often and hard at Alito. And as in past confirmation battles, they have had help from the press. Yet survey data show that Alito draws the same levels of public support now as he did in November.

A new *Washington Post*-ABC survey conducted in mid-December found that 54 percent of respondents say the Senate should confirm Alito while 28 percent say it shouldn't. In the November *Post*-ABC poll, those numbers were 49 and 29, respectively. According to the *Post*'s analysis of its surveys on both Alito and Roberts, Alito "is now about as popular as . . . Roberts was on the eve of his Senate confirmation hearings."

The fundamental reason that the liberal groups seem to have found no traction with their attacks is also the reason the Senate is now Republican. The simple fact is, the people who elect senators, not to mention House members and presidents, are more Republican now than they were in previous decades. The Harris Interactive data show that the Democrats' lead in party identification, which averaged 21 percentage points in the 1970s, has been steadily shrinking. In the 1980s the average was 11 percentage points, and then 7 points in the 1990s and just 5 points so far in this decade. Meanwhile, substantially more Americans say they are "conservative" than "liberal."

The political leaning of the electorate means that the liberal groups have a tougher sell. Nor do they have the field to themselves, as was the case when they smeared Bork. Indeed, a key lesson of the failed Bork nomination was that a political campaign against a nominee must be answered in kind—that politics must be fought by politics. Conservative groups now engaged include Progress for America, the Judicial Confirmation Network, and the Committee for Justice, among others.

The conservative groups have used paid and earned media to extol Alito's legal qualifications and character. And they have played defense, responding (rapidly) to criticisms of Alito's record as a Justice Department attorney and also of his opinions during his 15 years as a judge on the federal appeals court for the Third Circuit. But the conservative groups have done something else, too—they have made an issue of the political and legal agenda of the groups attacking Alito.

Samuel Alito

Getty Images / Joe Raedle

Last week, for example, the Committee for Justice released its study of the positions held by groups forming the anti-Alito coalition. Titled "Who's Out of the Mainstream?" the report concluded that "the views of mainstream America" are "exactly the ones coalition members are trying to circumvent in the courts."

The committee also has sponsored a television ad, which says of the anti-Alito activists: "They want to take God out of the Pledge of Allegiance and are fighting to redefine traditional marriage. They support partial-birth abortion, sanction the burning of the American flag." The groups, not accustomed to such engagement, have fired back—a "reprehensible scare tactic usually saved for gutter-style political campaigns, not for a Supreme Court nomination," the director of the Human Rights Campaign told the *Washington Post*, apparently without irony.

Alito's confirmation obviously is not a certainty. Judiciary Committee Democrats will try to create (ex nihilo) a "credibility" issue, and Ted Kennedy can be expected to argue that Alito should be disqualified by virtue of his conservative beliefs and associations. Alito, whose excellence as a lawyer is undenied, will be asked many more questions about his judicial record than was Roberts, who served on the bench just two years.

And the liberal groups working with Kennedy and his colleagues can be counted on to go into overdrive as the hearings progress, especially since they have more at stake with this nomination than they did with Roberts's. Roberts for Rehnquist was widely regarded as an even trade, jurisprudentially speaking. But if Alito, who would replace Sandra Day O'Connor, is confirmed, that will probably shift the court to the judicial right.

Still, remember the number 55, which also means the Republicans likely have a sufficient majority to change the Senate's filibuster rule (should the Democrats filibuster) and move to an up-or-down vote—one surely in Alito's favor. If the Democrats had a 55-to-45 edge, would Alito be likely to be confirmed? ♦

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Misinformation Age

More computers, less learning.

BY DAVID GELERNTER

WE ARE SUPPOSED to be living in the "Information Age." If we are, exactly what topic are people so well-informed *about*? Video games? The same experts who know for sure that we are in mid-Information Age take it for granted that young people are colossally uninformed. And young people are more likely than anyone else to spend long hours beating their way happily through the dense, trackless electronic jungle. They grow up with computers, the web, cell phones, hundreds of cable TV channels, and digital electronics in countless forms.

Consider the Information Age in the context of the dominant news story of recent years, the Iraq war. You can be superbly well-informed about Iraq if you follow the right websites. On the other hand, the Bush administration, the Democrats, and all the world's intelligence services were poorly informed about Iraqi WMDs. (Although every few months, the rumor pops up that they were all relocated to Syria. Is it true? We don't have that information.) Most people who visit Iraq nowadays remark when they get home that Americans are poorly informed about the situation on the ground. And leading Democrats presuppose a second layer of misinformation: When they accuse the administration of misleading the nation about WMDs, they assume that the public is badly informed about the extent to which the Democrats (along with everyone else) were badly informed. It's true that Iraq was and is an Information Age war. The coalition war effort would have been radically different without networks and digital electronics. But many people have not been so informed.

Returning to young people (the cultural climate affects young people most)—either the Information Age is real, and they would be even less well-informed without it (which is hard to picture); or it's a fraud and has failed to help or actually made things worse. The more carefully we ponder the facts, the more unsettling they become. And this issue is important. We can't abolish the Cybersphere, and few people would choose to. But that doesn't mean we have to take it as it is and like it and keep quiet. There is remarkably little commentary on the Cybersphere beyond consumer-level recommendations. You'd have thought Cybersphere criticism would be nearly as well developed as literary criticism by now. It isn't.

So what's the truth about the Information Age?

We can all agree that American public schools are a joke, and are more responsible than anything else for rising levels of public ignorance. Endless illustrations are available, but take just one for concreteness. Consider the contrast between mathematics and history. History teaching has been raked by heavy fire from ed-school ideologues for several decades. College-preparatory math classes have been relatively undamaged. In consequence, serious math teaching has made no progress but has (at least) held its own. History teaching has fallen to pieces.

College-preparatory math *had* been making steady progress. Before World War II, most incoming college freshmen weren't prepared for calculus. By the 1960s, good colleges had cut out teaching any math course *below* calculus. In the late '60s, math-teaching moved a step higher: High schools started teaching calculus, and smart college freshmen routinely enrolled in second-year calculus courses. Since then, progress has stopped. Today most public high schools offer essentially the same math sequences they did a generation ago.

History has (predictably) been much harder hit. In the early 1970s, many good students took a year-long college-level ("Advanced Placement") survey course in modern European history, and another in American history. Since then, modern educational techniques have worked an outright miracle. Today most incoming college students don't seem to know any history at all. (Except what they've learned by themselves, or their parents have taught them.) The high school history textbooks favored by public schools here in southern Connecticut are pathetic. Their left-wing bias is blatant; the authors don't even try to hide it. Maybe they don't even see it. Recently, a graduate student at a major research university told me that she knew doctoral candidates in humanities departments who had never heard of (for example) Devil's Island and the Dreyfus Affair. They will soon be turned loose on the world as aspiring young scholars.

It's unfair to expect computers and the web to fix what the schools have broken. It *is* fair to ask whether the digital jungle has made things better or worse.

Of course it makes *some* people better informed, in some areas. But what's the overall pattern? We've heard about it for years: "narrowcasting" as opposed to broadcasting. As information channels become cheaper to build and operate, they are able to concentrate profitably on narrower ranges of material. The pattern is obvious in the cable TV explosion (made possible by digital electronics).

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TV watchers have hundreds of channels to choose from; most are one-topic channels or movie channels. websites and blogs have been this way from the start: Most successful blogs cover one topic in depth (or anyway, at length).

For years people have discussed narrowcasting and its side effects. In the pre-cable days, there were only three TV networks, and a large proportion of all TV watchers would be tuned into one of them. The networks had a unifying effect on American culture. You could count on loads of people having seen the same junk you had. And the networks used to cover presidential nominating conventions, major presidential speeches and press conferences, big public events like space shots, and so on. This sort of unifying cultural force no longer exists.

Of course, the heyday of the TV networks themselves only lasted three decades ('50s-'70s). Is it (perhaps) normal for U.S. culture to lack unifying influences? No. Before the TV networks, there were radio networks and mass-market picture magazines. Before that there were other sorts of magazines and, of course, books. (Abraham Lincoln famously remarked that *Uncle Tom's Cabin* caused the Civil War. He was kidding; but not entirely.) In the United States, with its hugeness and ethnic hodgepodge, there have always been powerful centrifugal forces just beneath the surface. Those who are eager to grind under heel (like cigarette butts) every manifestation of religion in public life should keep in mind that Judeo-Christian religion and the Bible have, traditionally, been *the* most important unifying forces in American life. (But, of course, many of those who would love to stamp out all traces of public religion would also love to see the country deteriorate into a messy mass of separate subcultures.)

In the Information Age, it's easy for people to stick with the topics they know and love. It's easy to watch nothing but fashion and gardening shows, or the news 24 hours a day. It's easy to read blogs that all focus on the same topic. Some people grow better and better informed about their topics of choice. Others just watch, read, or hear the same story (with minor variations) over and over and over—and grow less likely every month to meet with anything new.

Few of us are immune to the temptations. I'm certainly not. I have two boys, and the three of us are capable of sitting still for any number of World War II documentaries on cable TV; in fact, for any number of "The P-47 in the European Air War, 1943" documentaries. Each one teaches us a little more. But after a certain point, it becomes clear that each hour you spend this way is more apt to decrease than increase your store of knowledge—when you consider the other things you might be doing instead.

Of course the cybersphere is brand new, and things are bound to change. Two good developments are all but inevitable.

First: There's one specialized field that draws a broad instead of narrow audience; that expands instead of narrows a person's viewpoint. Namely, beautiful prose. At some point we will see a (sort-of) blog that does (in a bloggish sort of way) what the *New Yorker* did in the 1930s and '40s. It will publish paragraphs and short pieces on any topic, from no particular ideological angle. New pieces will appear every day, around the clock. Each will be lucidly written and precisely, beautifully edited. People will read for the sheer joy of reading. Information-Agers who don't know what good prose is will be dazzled and won over.

Second: Search engines are riding high, but they solve only half the problem. If you know what you're looking for, they help you find it. But people don't only want to search, they want to browse. Before long there will be websites that let you flip through dozens of other sites as easily as you flip through a magazine's pages; as easily as you browse lots of magazines at a newsstand.

But it's clear what the web's most important contribution to a well-informed public will be. Web-based schools will enormously expand our educational options, and make it much easier than it is today to circumvent educationally corrupt local schools. Many such web projects are already underway and doing fine.

The most important solution to the problematic Information Age has nothing to do with the web. Eventually we will get over the idea that playing with computers and the Internet is inherently virtuous. Schools ought to take the same line on web-browsing as they do on poker; it can be profitable if you're lucky, but do it on your own time. It's true that some schools have made sound educational use of computers and software. But my guess is that, on balance, American schools would do better if they junked their Macs and PCs and let students fool around somewhere else. Schools should be telling students to read books, not play with computers. ♦

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Travels with Cheney

The vice president visits the front lines of the war on terror

By Stephen F. Hayes

Baghdad

On a cool December morning, Vice President Dick Cheney and U.S. ambassador to Iraq Zalmay Khalilzad waited for their distinguished guests on the sidewalk outside of the ambassador's residence in the heart of the fortified Green Zone in downtown Baghdad. Moments passed, but no one came. As Khalilzad chattered in Cheney's ear, the vice president stood looking at the cloudless blue sky with his hands clasped behind his back, sporadically shuffling his right foot back and forth. They waited some more. An eager press corps—with cameras and microphones, pens and pads at the ready—waited to capture the handshake between Cheney and Iraqi prime minister Ibrahim al-Jaafari on Cheney's first trip to liberated Iraq.

Moments earlier, after a meeting that to all outward appearances had run precisely as planned, Cheney and Khalilzad had bid farewell to President Jalal Talabani and Minister of Planning Barham Saleh, two leading Kurdish politicians. Talabani had said all of the right things in a brief statement before the press was removed from the 20-minute private meeting with the Americans. The corpulent Kurd had offered kind words for the "American brave Army" and told Cheney that Iraqis regarded him and George W. Bush as "great heroes of Iraq." The meeting had concluded and the four men had walked briskly outside to the front of the ambassador's residence. A white Chevy Suburban equipped with a rooftop device to scramble remotely controlled bombs had pulled up just as the men completed their final handshakes. Cheney and Khalilzad had waved to the departing vehicle and walked back inside.

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Ten seconds later, they had reemerged before the cameras to greet al-Jaafari. And they waited. After five minutes the Shiite leader arrived in another white Chevy Suburban. A strong wave of musk cologne wafted over the press corps as al-Jaafari and a top adviser emerged from the vehicle and greeted the Americans.

Back inside, Cheney had given a three-sentence statement to the press explaining that he was delighted to be in Baghdad. Al-Jaafari would not be so brief. Speaking through a translator, the Iraqi prime minister revealed that he had not been told Cheney was coming. "I thought only the ambassador was going to be here," he said, smiling.

Turning to Cheney, al-Jaafari continued: "I'm very happy for your presence and for the presence of American soldiers." The Iraqi prime minister called 2005 "one of the most important years in Iraqi history" and noted the increase in turnout with each of the three elections this year. As al-Jaafari provided additional details—"from 59 percent in January, to 63 percent in October, to 70 percent on December 15"—Khalilzad grew impatient. He widened his eyes, dipped his chin, and sliced his left hand through the air palm down as if to say, "Enough." Al-Jaafari took the hint and stopped short. The press was escorted from the room, and presumably the real work began.

Cheney's trip comes as part of a coordinated—and long overdue—Bush administration public relations offensive on Iraq and the war on terror. In the past week, Secretary of State Condoleezza Rice made appearances on several Sunday talk shows; Secretary of Defense Donald Rumsfeld also traveled to Iraq and the region; and senior national security officials were made available for rare on-the-record press briefings. On consecutive days, President Bush delivered a particularly meaty version of his weekly radio address, gave a prime time address to the nation from the Oval Office, and held a nationally televised press conference in the East Room.

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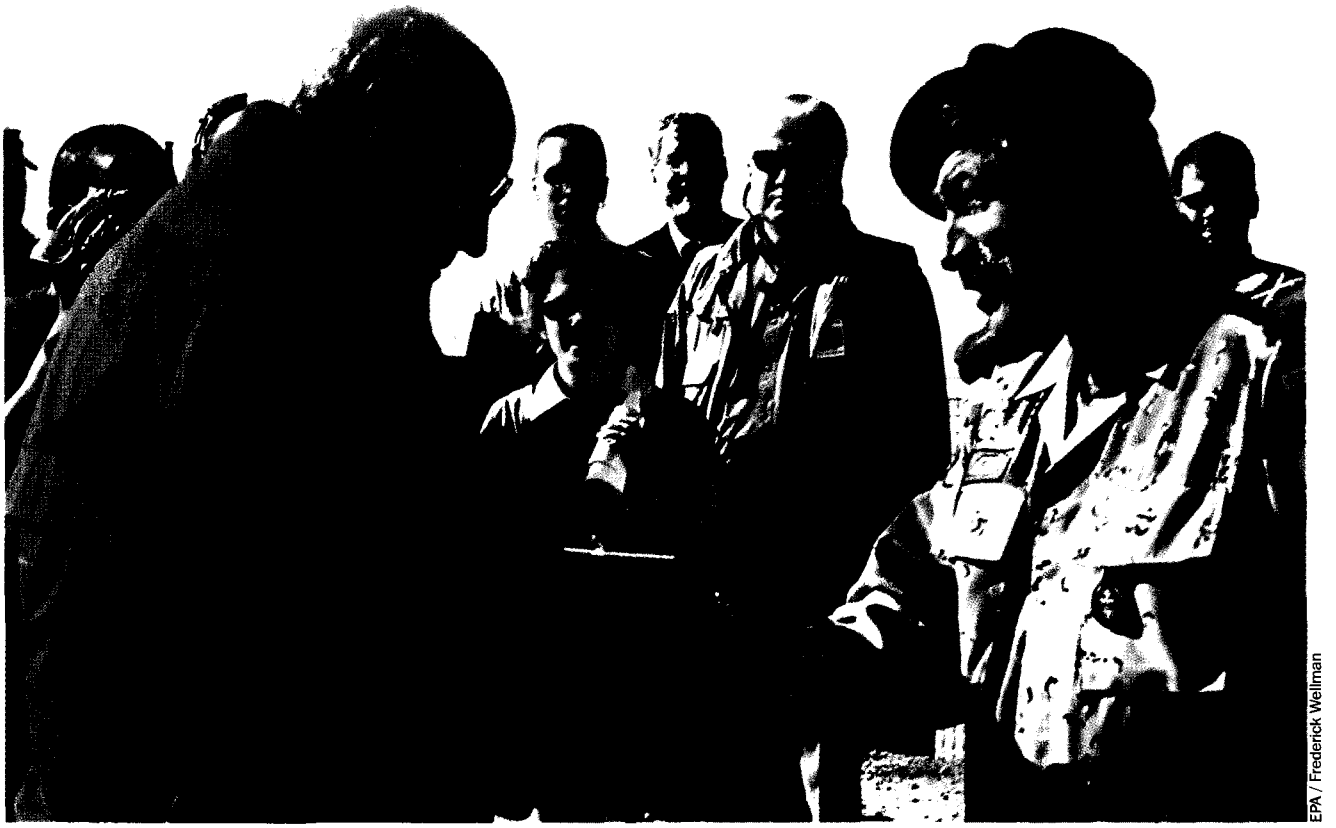

EPA / Frederick Wellman

Cheney greets Iraqi Maj. Gen. Bashar Mahmoud Ayoub, commanding general of the Iraqi 9th Mechanized Division, Taji, Iraq, December 18.

It appears that these efforts are paying dividends. An ABC News/*Washington Post* poll released while Cheney was still in the region showed marked improvement in President Bush's overall approval (up 8 points to 47 percent) as well as his conduct of the war on terror (up 8 points to 56 percent) and its crucial battle in Iraq (up 10 points to 46 percent).

There has been concern among conservative activists and Republicans in Congress that this new campaign would be short-lived, that the administration would return to its defensive crouch of last summer as soon as the poll numbers rebounded. That's still a possibility, but if Cheney's language this week is any indication, it appears the Bush administration will continue to make the case aggressively that Americans are better off because of its conduct of national security policy, including the Iraq war.

That effort will likely include the release of documents and other materials captured in postwar Iraq. In recent weeks, senior Bush administration and intelligence officials have been discussing several plans to expedite the public release of those materials. According to officials familiar with their contents, the documents provide an unfiltered look inside a criminal regime that brutalized its own citizens, bought off numerous European politicians, and provided significant support to transregional terrorists.

Cheney's trip took him to Afghanistan, Pakistan, and Oman, but the most important stop was his surprise visit to Iraq, three days after successful parliamentary elections there.

After his morning meetings in Baghdad, Cheney helicoptered to Taji Air Base just north of Baghdad. A dark blanket of smog hovered over the city; the acrid smell of burning trash, familiar to those who have spent time in the Iraqi capital, was particularly strong this day.

The brief flight to Taji took us over the court house where Saddam Hussein's trial is being held, over buildings worn down from years of war, and over the vast stretches of sandy nothingness that make up much of Iraq. Under Saddam Hussein, Taji was the base of the Hammurabi division of the Iraqi army. Today it is home to both American and Iraqi soldiers, in one of the success stories of U.S. soldiers' efforts to train their Iraqi counterparts. Which explains why we were there.

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Upon landing, we were shown to a gravelly patch of the base, where we were introduced to a man named Ayoub Bashar. Bashar's cheeks were ruddy; his belly was round. His large smile was partially obscured by the bushy black mustache across his upper lip. He looked like the Iraqi army officers who stood by Saddam Hussein's side in so many photographs of the former dictator. That's no accident. Bashar, a Sunni Arab like Saddam, was one of those officers. He is the former chief of armor for the army of the ousted regime. His combat experience dates back to the Iran-Iraq war. After the Gulf war, he ran afoul of the government and was sentenced to five years in prison. He served one of those years and was released.

Today, Major General Bashar is commander of the 9th Mechanized Division of the Iraqi army. The American officers who work with him describe Bashar as a demanding and effective leader.

Bashar spoke with a heavy accent, but his English is good. He enthusiastically shook Cheney's hand as he explained that the Iraqi soldiers under his supervision were responsible for providing regional security for the recent elections.

"Sir, they were so, so, so proud to do this mission, the election," he said loudly, unable to conceal his own pride. Arrayed before the two men, over an area approximately the size of a football field, were several small groups of Iraqi soldiers standing before their tanks. Some of the tanks, a sandy yellow in color, were reconstructed from parts of tanks leftover from the old Iraqi army. Several others, these light gray, were donated to the new Iraqi army by Hungary and Greece.

As he conducts a made-for-TV tour, Bashar stopped in front of each group of soldiers to explain their background and their duties. Cheney shook hands with each man. In front of every third tank stood carefully placed easels weighted to the ground with sandbags. The easels displayed *USA Today*-like charts and graphs explaining various aspects of the progress made in standing up the Iraqi army.

According to figures provided by U.S. officials, the First Brigade of the 9th Mechanized Infantry Division has 2,494 trained soldiers and 146 combat vehicles. Of the three battalions in the division, two "control their own battle space." The division has captured or killed 40 high value targets from the insurgency this year.

General Bashar, like Talabani and al-Jaafari, made a point of offering his thanks. "To you and to the American people, we like to thank them for the help they are giving us," he said. "Thank you for giving us democracy and prosperity."

Cheney then turned his attention from the Iraqi soldiers to the Americans. He had lunch with a group of U.S. troops in a tent outside an outbuilding at the base. Cheney picked up a tray and went through the food line. James Rosen, a Fox News Channel White House correspondent, peered through a mesh window in front of Cheney's line of sight and asked the vice president whether the lamb kebabs were on a Mrs. Cheney-approved diet. Cheney glanced up with a smile, shook his head, and held his finger to his lips.

After lunch, Cheney and his entourage boarded helicopters for Al Asad Air Base, approximately 180 kilometers west of Baghdad. The airfield was the second largest in Iraq under Saddam Hussein and was home to most of the Iraqi air force.

Shortly before 3 P.M., several hundred soldiers gathered in a large hangar for Cheney's speech. They were not told in advance who, exactly, would appear on stage. Although the response from the crowd was enthusiastic when they learned that their honored guest was the vice president of the United States, Cheney began his remarks with an acknowledgment that he was a disappointment to some.

"Well, I'm not Jessica Simpson."

He quickly turned serious, using the occasion to thank the troops for their service and to challenge critics back home.

> I know most of you have heard the political debates that have been going on back home. You've heard some prominent voices advocating a sudden withdrawal of our forces from Iraq. Some have suggested this war is not winnable. And a few seem almost eager to conclude that the struggle is already over. But they are wrong. The only way to lose this fight is to quit. And that is not an option.
>
> Every American serving in this war can be absolutely certain the people of the United States are behind you. Americans will not support a policy of submission, resignation, or defeatism in the face of terror. Our country will never go back to the false comforts of the world before September 11, 2001.

After the speech, Cheney met with 30 U.S. soldiers. The entire group sat on folding chairs around a large rectangular table. "We're going to kick the press out in a minute so they don't inhibit anybody. I want to hear from you," Cheney told the soldiers. He added, with a slight smile: "If you've got any complaints, I can take them straight to the top. It may not do any good, but I can make sure that it happens."

Most of the traveling press was escorted out of the tent, leaving only a pool reporter, who apparently didn't inhibit anyone. The first question, from Marine Corporal Bradley Warren, was openly skeptical of the mission. "From our perspective, we don't see much as far as gains. We're looking at small picture stuff, not many

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gains. I was wondering what it looks like from the big side of the mountain—how Iraq's looking."

Said Cheney:

> Well, Iraq's looking good. It's hard sometimes, if you look at just the news, to have the good stories burn through. Part of it is that what we're doing here, obviously, takes time. It's hard, tough, day-in, day-out kind of work that all of you are involved in. But from our perspective, from the standpoint of the president, we spend a lot of time on it between us. It's probably the single most important problem on our platter that we have to deal with—and we do every day.

The session ended some 30 minutes later, and Cheney, his staff, and the traveling press returned to the cavernous gray C-17 military transport that had brought us to Baghdad 10 hours before. Cheney traveled in the "silver bullet," a portable stand-alone unit bolted to the floor of the airplane that looks like one of those throwback replicas of 1950s diners that are popping up across the United States. Inside, Cheney's room features a desk with two chairs, a sofa and coffee table, a flat-screen plasma television, and a private bathroom. Cheney's staff sat in three rows of airplane seats across the front of the plane. Journalists and secret service personnel were relegated to canvas and steel seats that folded down from the sides of the plane.

We arrived at our hotel in Muscat, Oman, the Grand Hyatt, at about 10:30 P.M. local time, after a half-hour drive past local shops interspersed with the occasional Hardees, KFC, Pizza Hut, and Baskin Robbins. The television in each room carried two of the early NFL games live—Philadelphia vs. St. Louis and San Diego vs. Indianapolis. Those games started at 1 P.M. EST, which meant that we had been traveling—and awake—for 30 hours.

At 3:30 A.M., about midway through the 3rd quarter of the late football games, the traveling press gathered in the Regency Club to prepare for our departure to Afghanistan. We would once again leave the roomy 757 often designated as Air Force II on the tarmac in Oman in favor of the inconspicuous C-17 transport for the three-hour flight to Bagram Air Base. The flight and arrival at Bagram were uneventful—not something we would be able to say about anything else that day.

After a short helicopter ride, we landed on a street in downtown Kabul just outside the presidential palace. The day marked the opening of the democratically elected parliament in Afghanistan, a milestone for the new Afghan government and for Bush administration foreign policy. Most of Cheney's staff made it inside the heavily guarded complex without incident. Three of them did not. A tall, bespectacled staff member from the U.S. embassy in Kabul tried in vain to explain to the Afghan guards that they had made a mistake by excluding government officials traveling with Cheney. The guards were impassive.

The Americans grew increasingly agitated, speaking into their sleeves and plotting their next move. The embassy official continued to make his case to the Afghan guards, all of whom were wearing sleek sunglasses and Western-style casual clothes. Not unlike overzealous mall cops, the Afghans were thrilled to be exercising what little power they had, and so insisted that the Cheney staffers have their bags and bodies searched along with the traveling press. The embassy official, shouting now, explained that the Cheney staffers had sensitive information in their bags and would not submit to a search.

The debate soon escalated. "Tell the guys with the big guns to get the f— away from our journalists," barked a Secret Service official. An Afghan guard began to respond, but was shouted down. "Just tell them to back the f— off."

Another Afghan official was jawing, manager-to-umpire-style, with the U.S. embassy official. "You not get a search, you stay here," he said, motioning to the ground outside the tall gate. Moments later, as the chaos continued, a burly White House official emerged from inside the compound. With him came a well-dressed Afghan official. After the White House staffer pointed to the three Cheney staffers, his Afghan counterpart shouted instructions to his subordinates, who allowed the three American officials to walk through the gate unmolested. The press remained outside. Fearing that we risked missing some of the ceremony, we consented to searches of our bags and our bodies.

We were led through a chaotic hallway adjacent to the parliament chamber and shown into a holding room for the press. The doorway was a collection of flailing arms and legs and hands with notepads, as local Afghan journalists tried to escape. Two Afghan guards in Western-style business suits blocked the journalists' exit and had no apparent interest in whatever it was the journalists were shouting. A bystander explained that the journalists had just been told they might not be allowed in the parliament chamber for the opening ceremony. They began pushing and shoving the guards and one another, randomly flashing their media credentials as if that might solve the problem. We opted not to join them.

We were led to a holding room about 30 feet down

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the hallway. The room had large leather office chairs as well as several comfortable armchairs. On the wall above the door was a large, wall-mounted plasma television with a live feed from inside the parliament chamber. Just as we settled in, there were shouts from the hallway. "Come! Come!" More commotion. "Audio! Come!" The Afghan journalists penned in the other holding room had been freed and were charging—some of them in a full sprint—in the direction of a promised audio feed of the proceedings. Once again, we opted not to join them.

The ceremony began with a reading from the Koran. Vice President Cheney and his wife Lynne were seated in the front row. Then President Hamid Karzai rose to deliver a speech marking the opening of parliament. "With hopes for a prosperous future for the people of Afghanistan, I am opening the first session and the legislative period of the Islamic Republic of Afghanistan. Thank God for providing our nation the opportunity to be in control of its own destiny. This gathering represents the assumption of full sovereignty by the great people of Afghanistan and Almighty God's blessing."

The members of parliament were arrayed before him in a semicircle, many dressed for the cold weather outside. At each seat was a large green and gold copy of the Koran and a small plate of sweets, covered with clear plastic wrap and adorned with a red bow. Each member of parliament was given a bound book recounting the accomplishments of the Afghan government since the end of the war in late 2001. Karzai reviewed several of these in his speech: Some 6,620 kilometers of highway have been graveled; monetary reform policy has produced a single, stable currency; 4,325 new "health posts" have been established; 4 million Afghan refugees have come home. He also acknowledged Cheney and thanked the United States for its help.

One curiosity from the speech: Karzai said that the people of Afghanistan "appreciate the support of Iran with regard to reconstruction and the fight against terrorism." (Asked later about the reference, a senior Bush administration official refused to comment, saying he had not heard the line.)

The traveling press watched most of the speech in the comfortable holding room, with each reporter given an opportunity to rotate into the parliament chamber for a portion of the address. Karzai delivered parts of the speech in Dari and parts in Pashto, Afghanistan's two official languages, and it wasn't until 40 minutes into the speech that the audio feed in the holding room was switched to the English translation.

Karzai strained to control his emotions as he concluded his remarks, rendered thus by the interpreter:

> We Afghans have the right to stand with full dignity and self-confidence in front of the people of the world and say that this immortal phoenix, this beloved Afghanistan, once again rose from the ashes of invasion and subjugation; we have the right to declare all those who aspire [to] the destruction of our soil, that this country will never vanquish. May God bless you all.

As Afghan schoolchildren assembled for a patriotic song, the translator, unaware that his microphone was still on, began assessing his own performance and otherwise commenting on the ceremony. A White House official later confirmed that Vice President Cheney, who was wearing an earpiece to receive the translation of the speech, also got to hear this rambling self-critique.

The next stop for Cheney was a meeting with Karzai at the presidential palace. The schedule called for a brief photo opportunity at the beginning of the session. These brief exchanges usually produce little substantive news, but they are important for TV coverage. As we waited outside the palace for Cheney's arrival, one of Karzai's press handlers informed us that he would allow no more than nine American journalists in the room. Moments later, it was down to four. Then six.

After the press was dismissed, Karzai opened the meeting by apologizing that his address had taken an hour, according to a White House official. Cheney reminded the Afghan president that he, Cheney, had served in Congress for 10 years and was thus quite used to long speeches.

When the meeting was over, we returned to Bagram Air Base, where Cheney addressed a rally for the troops and met with General Karl Eikenberry for a briefing on military operations in Afghanistan. Late that afternoon we left for Oman.

On the flight, Cheney emerged from the Silver Bullet to find most of his staff sprawled asleep over their three rows of seats. After a laugh, he stood behind the group and summoned up a look of mock disappointment for a photo taken by the staff nurse.

The press gathered in the makeshift filing center at 5:15 A.M. for the trip to Pakistan. We landed at Chaklala Air Base shortly before noon, and after a short helicopter ride arrived at the presidential palace in Islamabad, where Cheney met with President Pervez Musharraf.

Musharraf thanked Cheney and the American people for providing assistance, both financial and operational, to the difficult relief effort in the aftermath of the October earthquake in Pakistan that killed over 73,000 people and left hundreds of thousands without homes.

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AP / Tomas Munita

The vice president with Hamid Karzai, president of Afghanistan, at the presidential palace in Kabul, December 19

Through public and private contributions, the United States is providing more than $500 million in relief funds. American helicopters were on the ground providing assistance within 48 hours of the catastrophe, and that immediate effort resulted in the establishment of a more permanent presence in the remote town of Muzaffarabad.

As Cheney and Musharraf met privately, I struck up a conversation with Sohail Ali Khan, a spokesman for Musharraf. We discussed the role of Pakistan in the war on terror. The diminutive spokesman told me that Pakistani authorities are responsible for the capture or killing of more than 700 al Qaeda terrorists since the fall of 2001.

I asked specifically about an al Qaeda member detained in Khuzdar, Pakistan, in July 2002. I had been trying to obtain additional information about this detainee since March, when the Pentagon released a provocative "Summary of Evidence" describing his activities. It describes him as a former member of the Iraqi army who was recruited by the Taliban in Baghdad in 1994. He joined al Qaeda, lived at an al Qaeda camp, and received payments from Osama bin Laden. According to the Pentagon document:

> From 1997 to 1998, the detainee acted as a trusted agent for Usama Bin Ladin, executing three separate reconnaissance missions for the al Qaeda leader in Oman, Iraq, and Afghanistan. In August 1998, the detainee traveled to Pakistan with a member of Iraqi Intelligence for the purpose of blowing up the Pakistan, United States and British embassies with chemical mortars.

A Musharraf spokesman put me on the phone with Major General Shaukat Sultan, a spokesman for the Pakistani army. Sultan said he vaguely remembered the capture, and promised to provide additional details in the coming days.

I returned to my conversation with Sohail Ali Khan, who also promised to help. I asked him about Pakistani perceptions of the United States and its leadership, pointing to a Pew Global Attitudes Survey from June 2005 that found only 23 percent of Pakistanis have a favorable view of the United States, and only 10 percent approve of George W. Bush. The same poll found that only 9 percent of Pakistanis surveyed thought the world was a safer place with Saddam Hussein out of power (53 percent thought his removal made the world more dangerous) and only 22 percent approved of the U.S. war on terror. Some 71 percent of Pakistanis interviewed were very or somewhat worried that the United States presented a military threat to their country.

I asked Ali Khan whether the U.S. relief effort could

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affect those attitudes. "It must," he said, "especially in those areas. Even the religious extremists are going to the U.S. tents for treatment." Ali Khan added that the U.S. relief effort had received extensive coverage in the Pakistani press. President Musharraf mentions U.S. assistance in virtually every speech he gives, and often speaks of the fact that U.S. soldiers helped unload a transport plane sent by the Iranian regime in the days immediately following the disaster.

After a delicious lunch of chicken kebabs and saffron rice, we board four Chinook helicopters to Muzaffarabad, six miles from the epicenter of the earthquake. The 30-minute flight takes us between 12,000-foot mountain peaks stretching high into the clouds. Tens of thousands of houses are carved into the side of these mountains, even at the highest of elevations, and hundreds of footpaths cut back and forth across the face of the range.

"It's probably the most rugged swath of land I've ever seen in my life," says Rear Admiral Michael LeFever, commander of the Disaster Assistance Center in Pakistan, as he briefs Cheney. The U.S. military has set up a MASH (Mobile Army Surgical Hospital) unit in Muzaffarabad that continues to treat residents, including many with lingering injuries from the earthquake two months ago. Currently 23 physicians, both American and Pakistani, are staffing the hospital; a total of 300 U.S. personnel are involved in the project.

Ryan Crocker, U.S. ambassador to Pakistan, underscores what Ali Khan told me about Pakistani coverage of the U.S. relief effort. He says, "Just about every day there is some article or photograph that highlights the work we do here."

On the return trip to Oman, a senior administration official confirms a report that has been circulating among the reporters on Air Force II. We are heading back to Washington a day early. Senate Majority Leader Bill Frist has requested that the vice president return immediately to break an anticipated 50-50 tie on the deficit reduction package. (Cheney did, in fact, cast the deciding vote.)

So Cheney skipped meetings with King Abdullah in Riyadh, Saudi Arabia, and Hosni Mubarak, in Cairo, Egypt. He also missed a meeting in Riyadh with the father of slain Lebanese journalist Gebran Tueni. (Cheney phoned Tueni's father Thursday to express condolences for the murder of his son.)

On the first leg of the flight from Oman to Andrews Air Force Base, Cheney called the seven reporters traveling with him back to his cabin for a chat. The vice president appeared relaxed, wearing a lightweight black U.S. Army jacket, a blue button-down shirt, gray flannels, and brown hiking boots. He offered his guests a beer, but didn't have one himself, saying he had lots of work to do on the flight back to Washington. The overstuffed three-ring binder on his desk—perhaps six inches thick—suggested he wasn't kidding.

Although much of the session was a playful back-and-forth between Cheney and the reporters, the vice president turned serious when he was asked about a recent *New York Times* story that exposed a National Security Agency surveillance program instituted after September 11.

Nedra Pickler, a reporter with the Associated Press, asked Cheney: "Do you not understand, though, that some Americans are concerned to hear that their government is eavesdropping on these private conversations?" Here is the rest of that exchange:

> CHENEY: What private conversations?
> Q: The private conversations between Americans and people overseas.
> CHENEY: Which people overseas?
> Q: You tell me.
> CHENEY: It's important that you be clear that we're talking about individuals who are al Qaeda or have an association with al Qaeda, who we have reason to believe are part of that terrorist network. There are two requirements, and that's one of them. It's not just random conversations. If you're calling Aunt Sadie in Paris, we're probably not really interested.

Cheney ended with what may be the most forceful on-the-record defense of Bush administration national security policy yet. The vice president said it is this policy—not luck or fate—that explains why the United States has not been attacked in the last four years.

> There's a temptation for people to sit around and say, well, gee, [9/11] was just a one-off affair, they didn't really mean it. Bottom line is, we've been very active and very aggressive defending the nation and using the tools at our disposal to do that. That ranges from everything to going into Afghanistan and closing down the terrorist camps, rounding up al Qaeda wherever we can find them in the world, to an active robust intelligence program, putting out rewards, the capture of bad guys, and the Patriot Act. . . . Either we're serious about fighting the war on terror or we're not. Either we believe that there are individuals out there doing everything they can to try to launch more attacks, to try to get ever deadlier weapons to use against [us], or we don't. The president and I believe very deeply that there's a hell of a threat, that it's there for anybody who wants to look at it. And that our obligation and responsibility, given our job, is to do everything in our power to defeat the terrorists. And that's exactly what we're doing. ♦

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Devout Democracies

Self-rule in the Middle East will have a religious component, but that doesn't mean it won't work

By Reuel Marc Gerecht

Kabul

Afghanistan and Iraq are geographically and historically in two distinct parts of the Muslim Middle East. Scholarly works on the region with an Arab slant tend to throw Afghanistan into Central Asia and the subcontinent, while books with an axis running through Iran pull Afghanistan back into the Middle East proper. Yet the two countries are now joined at the hip, and they are so joined by America. We are running simultaneous experiments in democracy in two countries that, despite their cultural and political differences, have much in common. Morally, at least for us and the natives, the two efforts are—or ought to be—indistinguishable.

If you believe that vanquishing fanaticism and establishing democracy in Afghanistan is a thing worth fighting for—and I recently ran into dozens of British, Italian, German, Lithuanian, and even Dutch soldiers in Afghanistan who seem to believe so sincerely—then it is ethically challenging to apply a different calculus in Iraq. You may not have initially favored the war in Iraq, but it seems morally awkward to argue that the Iraqis now deserve less support than the Afghans. It is heartening to hear senior Italian and British officers attached to NATO's International Security Assistance Force in Afghanistan affirm that they're planning on being there for 10 years, provided the locals want them. (And odds are the Afghans will.)

Iraq for the Europeans, if not for us, is different. The greater violence there may overwhelm all moral deliberations. Three thousand American deaths in Mesopotamia may seem a price too shocking to bear. The growing, frightening specter of suicide bombers in Afghanistan may also eventually shatter our, or more quickly the Europeans', resolve to stay put. But today, to the individual Afghans and Iraqis who desperately want more representative, humane government—as most Afghans and Iraqis clearly do, judging by their participation in their recent elections—and to the Western soldiers on patrol or helping with public-works projects, the cause can seem compellingly just.

It is striking how little pride many Americans take in what the United States has done in Afghanistan. In part, Iraq is responsible. Our sojourn in Mesopotamia has been so difficult that it has diminished our attention to what is happening farther east. Yet it is impossible to visit Afghanistan, as I did recently under the auspices of the North Atlantic Treaty Organization, and not see the progress wrought by the invasion and America's and NATO's continuing efforts to safeguard and rebuild the country. The last time I visited, before 9/11, when the late Tajik leader Ahmad Shah Massoud was desperately trying to hold onto an ever-shrinking slice of territory, the country and its people were physically and spiritually deconstructing. Iran's revolutionary leader Ayatollah Ruhollah Khomeini once famously remarked that there was "no fun in Islam"; the Taliban's Mullah Omar and his spiritual brother, Osama bin Laden, had reduced Afghanistan to a state that even the most retrograde and brutal of Iran's militant clerics would probably have seen as hell.

In Herat and Kabul, Afghans no longer seem captive to fear. (The same cannot be said for the U.S. and NATO forces, who are, after several suicide bombing runs, beginning to evidence a bunker mentality.) Although Afghanistan remains broken, filthy, and poor, enterprise and energy are returning. An aesthetic sense is creeping back into new buildings, houses, and what is often the most neglected thing in the Muslim world, nonceremonial public space. Somebody, somewhere seems to be thinking about the garbage. Also, Afghans smile now.

Not a lot, of course. Life is still very difficult; among the Pashtuns in the southern half of the country, where the Taliban and al Qaeda can still find sympathizers and new recruits, it is often precarious. Even in the wealthiest part of the country, in the west, where the ancient and still quite Persian city of Herat again bustles as an entrepôt of local manufacture and Iranian goods, one can sense

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fragility. The hope, anger, and dueling ideologies and personalities openly express themselves through graffiti and posters—but in a peaceful and vibrant debate that is a very good thing. In the past, Herat province's two contending warlords and bitter rivalries imported from Kabul would have provoked strife.

As in Iraq, the enormous political progress made in Afghanistan—the new parliament was sworn in on December 19—is happening so fast as to generate stress. And there is this further complication: Unlike Iraq, Afghanistan is a mountainous country with few decent paved roads (which merchants and effective national armies both require), such that national politics is something of an abstraction; homegrown communism, the Soviet invasion of 1979, civil war, and in the mid-1990s the takeover by the Taliban, which married itself to the primitive, violent side of Pashtun village culture, all accentuated local and religious identities for over 30 years at the expense of the national idea.

It is too soon to tell whether this psychological fragmentation has been reversed, as it is difficult to assess the political fault lines within the new legislature, although ethnic and religious groupings—the Pashtuns, the Tajiks, the Uzbeks, and the Shiite, Mongol-looking Hazara—will certainly remain a base for political affiliation and action. Such ethnic and religious sympathies are by no means lethal to a young democracy. Indeed, without them the Afghans probably could not develop sufficient comfort and confidence to reach beyond parochial and tribal concerns to national politics. After three ugly decades, all Afghans need to have safe zones—and ethnic politics, so long as it does not paralyze the government, can actually advance democracy in this country. (Quite contrary to the accepted wisdom, this is also likely the case in Iraq.) The still seemingly widespread popularity of President Hamid Karzai, a Pashtun, among the Tajiks is a sign that ethnic identities are politically flexible, transcended often by personal charisma, loyalty, ambition, financial incentives, and national ideals. This shouldn't be all that surprising in a land where Sunni ethnic groups—Pashtuns, Tajiks, and Uzbeks—have regularly intermarried. (Again, the demographic parallel with Iraq, where Arab Shiites and Sunnis have often conjugally mixed, is hopeful.)

The new specter of the suicide bomber in Afghanistan—there have been nearly 20 since June; the energetic and hospitable Italian-led Provincial Reconstruction Team in Herat got blasted a day after I left—threatens to distance Westerners, who are indispensable to civil order and good governance, from ordinary Afghans. (The Iraqi parallel here is depressing.) The American embassy in Kabul is already a barricaded, barbed-wired, windowless, brown adobe fortress. Even the most culturally attuned and linguistically competent officers can become disconnected and misinformed in such an isolated environment.

Allied and American officials don't know who these bombers are. They think most are foreign—the general consensus is that Pakistanis or Arabs predominate—but some are probably Afghans. The virus of radical Sunni extremism has been in Afghanistan a long time, from before the Soviet invasion. It would be surprising to discover that Afghan cultural traditions, so battered by war, strife, and radical Islamic experimentation, would stand firm where other Muslim national cultures—Egyptian, Algerian, Saudi, Moroccan, Iraqi, Iranian, and Pakistani—have become to varying degrees incubators of lethal Islamic fundamentalism. The United States and its NATO partners—particularly the Dutch and Germans, who, unlike the French, have not displayed a stout resolution to fight in Afghanistan—should prepare themselves for the virus to spread among radical Sunni Afghans. As in Iraq, this is unquestionably the most fearsome phenomenon that we now confront.

In fragile societies trying to establish democracy, where communal and individual trust are integral, suicide bombings, if they come in unending waves, could, conceivably, destroy everything. In all probability, this scenario is too pessimistic. The backlash in the Iraqi Sunni community, as elsewhere in the Sunni Arab world, against the horrific slaughter of women and children has already started. It may be a spur to political compromise among the Sunni Arabs in Iraq (for fear of the holy warriors and the Shia, who may eventually let loose a pitiless, all-consuming revenge). And in Afghanistan, the cult of the suicide bomber is still in its infancy. Pashtun society, which is where such holy-warriorism will have to grow, would probably offer sufficient resistance to keep this kind of terrorism from becoming a plague.

Suicide bombing possibly aside, a comparison of Afghanistan and Iraq ought to calm American nerves about the political evolution in Mesopotamia. What doesn't *really* bother us in Afghanistan—the participation of devoutly religious Muslims in the political process—shouldn't bother us elsewhere. We may view Afghanistan with the bigotry of low expectations: Since Afghans have been calling themselves *mujahedeen*, holy warriors, for nearly three decades, and political Islam has been swirling through the Afghan bloodstream for even longer, we don't expect their political system to be all that secular. That Afghans, who have developed a certain penchant for making personal and political differences a *casus belli*, can sit together under one roof and scream but

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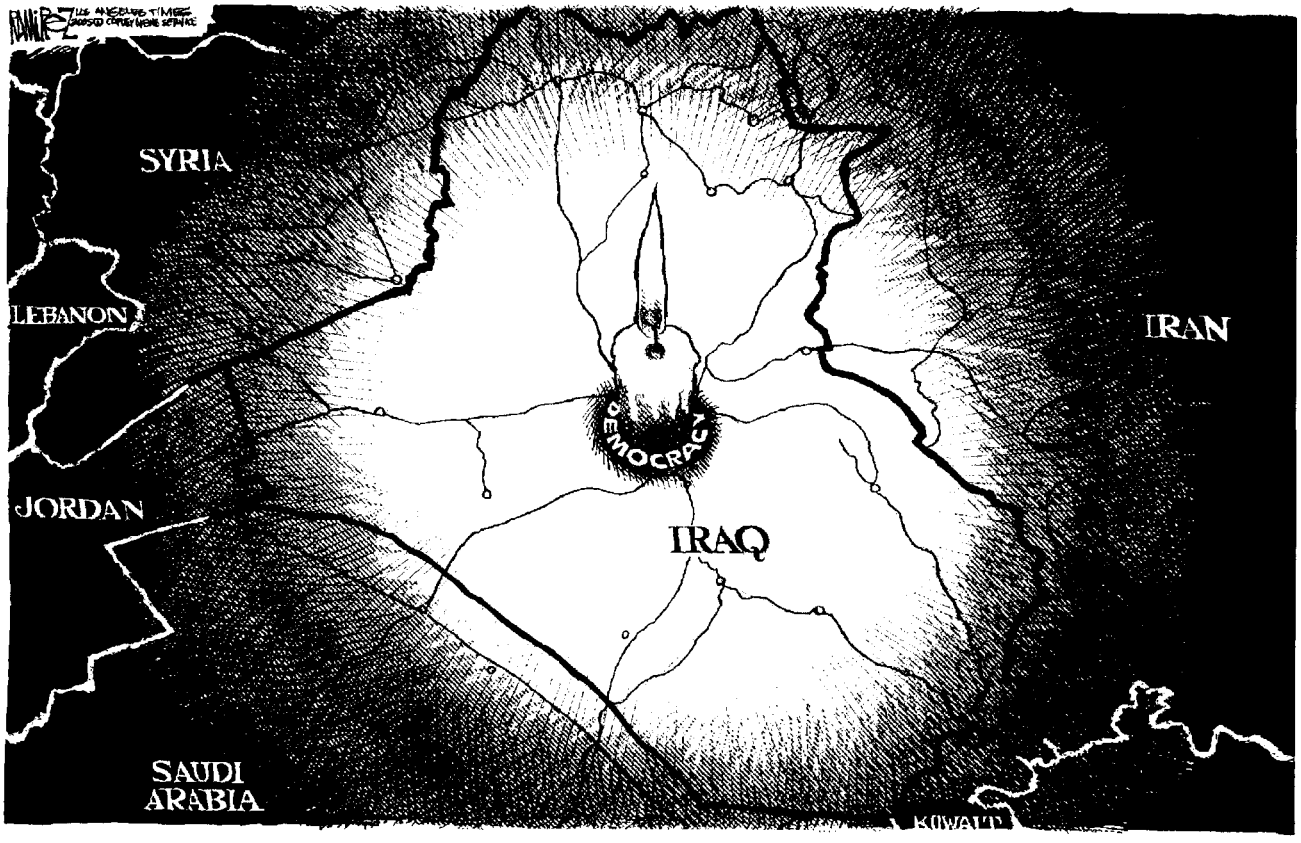
not shoot is an achievement for the new parliament. However imperfect, this is the birth of tolerance. For Americans and their European allies in Afghanistan, and for the Afghans themselves, watching ultraconservative turbaned men, veiled women, and opium-enriched warlords rub shoulders with expatriate suits and ties and women showing hair and a bit of a female form is a *very* good beginning.

We should have, mutatis mutandis, similar expectations in Iraq. Iraqis, we were told by a long list of Iraqi exiles, journalists, and scholars, are much less fervent believers. On the Shiite, Sunni, and even Kurdish side, this assumption of rather advanced secularization was misplaced and, more important, harmful to our understanding of how democracy would take root in Iraq. We should realize that in Mesopotamia, as in Afghanistan, democracy will be either made or broken by men and women of serious, not particularly reformed faith—not by secular liberals, Muslim progressives, or "moderates" (probably best defined as Muslims who act more or less like ordinary faithful Christians). All of the explicitly secular and moderate candidates did rather poorly in Iraq's national elections on December 15, even though the United States, with the Central Intelligence Agency in the lead, probably poured a small fortune into helping their cause. One can feel considerable sympathy for the liberal Iraqi dissident Kanan Makiya, who recently gave an analytical *cri de coeur* in the *New York Times*, dissecting all the reasons we should fear Iraq's new constitution, with its fissiparous potential. It is, without doubt, a flawed document. One can easily wish for a little less federalist enthusiasm on the Shiite and Kurdish sides.

And one can wish for more vigorous checks and balances. As the late, great historian Elie Kedourie once speculated, Middle Eastern countries, in their earlier democratic moments, might have done much better if they'd used America's presidential system rather than Europe's parliaments as a model. A strong executive constantly checked by strong legislative and judicial authorities might have kept the Middle East's homegrown and imported authoritarian impulses from dominating. Such a constitutional setup today in Iraq would probably improve the odds of surviving sectarian strife.

Furthermore, when one scans the Sunni, Shiite, and Kurdish communities, one isn't particularly inspired by the Iraqi founding fathers. For a secular, liberal Iraqi like Makiya, things are not good. But they are far from hopeless. The Islamic-Iraqi identity on the Shiite side still seems quite solid: From the most secular to the most religious, the nationalist component has not been subsumed.



Michael Ramirez

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It is possible that it could be: The savage battering of the Shia by Sunni holy warriors and insurgents could make the Shia think of themselves first and always as Shiite, and therefore less willing to compromise with Sunnis, who fear being impoverished in a federalist system that would effectively deny them future oil revenue. Something like this *almost* happened in Lebanon, when the ideas and foot-soldiers of Iran's very Shiite Islamic revolution struck Lebanon after decades of Christian and Sunni Lebanese neglect and abuse of the Lebanese Shia, even worse Palestinian oppression of the Lebanese Shia, *and* the Israeli invasion in 1982. In Iran, the revolution and the 1980-88 Iran-Iraq war engorged the Shiite side of the Persian brain, altering temporarily the complex balance that makes the Shiite-Iranian identity.

But we're not quite there yet in Iraq. We will unquestionably see a federalist Iraq—at a minimum the Kurds will guarantee this. And the Shia have now understood that federalism checks centralized power, which has historically brutalized them. (Until the Shia become more self-confident as a community—and they still appear fearful of the Arab Sunnis' greater martial prowess—federalism will retain strong appeal for them.) But the language of the Shia still seems overwhelmingly Iraqi in content and tone. For anyone raised in the 1980s on militant Shiite Islamist thought, Iraq just doesn't do it. Compared with Lebanon's Hezbollah and Iran's Revolutionary Guards Corps at their most fervid, the young radical Iraqi cleric Moktada al-Sadr seems like a pretty prosaic nationalist. The Supreme Council for Islamic Revolution in Iraq and the Dawa party, the two oldest Shiite religious parties, don't seem at all ready to give up on the idea of a nation that incorporates and compromises with Arab Sunnis. Abdul al-Aziz al-Hakim, the leader of SCIRI, may have many sins, but he is not a fanatic. SCIRI's likely parliamentary chief, Adel Abdel Mahdi, is a thoughtful man who absolutely doesn't want to push Iraq into civil war.

And there remains the huge fact of the Shiite population in Baghdad, which would be excluded from any Shiite semi-autonomous zone in the south. Baghdad is a majority Shiite city. And it simply cannot be compared to any other city in Iraq—certainly not impoverished and broken Basra, the other possible pole of Shiite urban influence. (The impoverished Shiite south of Iraq actually reminds one of Afghanistan.) For the foreseeable future, the centripetal power of Baghdad will remain. The exclusionary, defensive, federalist impulses of the Iraqi Shiite community, which Makiya rightly fears, can go only so far before they provoke real, paralyzing Shiite resistance from Baghdad. If for no other reason, the Baghdad Shiite factor will likely guarantee sufficient tolerance toward the Sunnis for democratic progress to continue.

An Afghan parallel again has value. Despite the strife and civil war that fragmented loyalties, the Afghan national identity is still alive. The stress placed on it during the '70s, '80s, and '90s was greater than what the Iraqi Shia endured under Saddam. It would be hard to overstate the pulverizing of Afghan national sentiment during the dark years of war and the Taliban's rule. By comparison, the Iraqi national identity for the Sunni and Shiite Arabs remains much denser. Yet in Afghanistan today the national identity is unquestionably congealing and gaining strength. National compromises among the main groups—Pashtuns, Tajiks, Uzbeks, and Shiite Hazara—will probably be excruciatingly difficult to achieve, but the growing nationalist impulse makes one believe these compromises, however imperfect, *are* achievable. (All sides, for example, will likely agree not to seriously molest poppy production and the opium trade.)

But what again is critical to remember—for Afghanistan and Iraq—is that the democratic compromises will happen because devout, even militant, Muslims make them happen. If you look at Afghanistan's new parliament and what will be the composition of Iraq's first proper legislature, it is the so-called religious parties (or religious personalities, in the case of Afghanistan's highly individualistic politics) that will conduct this experiment. They are the best reflection we have of the popular will, which desperately wants some kind of democratic alternative to brutal tyranny and internecine strife. Even for the Arab Sunnis of Iraq, who are obviously wedded to the idea of being the ruling elite, the democratic appetite should not be casually dismissed. For them, December 15 was probably a turning point.

Iraq and Afghanistan as liberal beacons in the region never really made much sense; as democracies in which devout Muslims wrestle through difficult questions about the proper relationship between God and man, they can have much more impact in the Middle East, where religion is like oxygen. Afghanistan and Iraq are at present the Muslim world's two most important democratic laboratories. They are not causes for despair. On the contrary, for devout Muslims who are trying to introduce concepts of popular sovereignty into political philosophy, both nations are—and the word is used correctly—progressive. This may be hard for many secularized or disbelieving Westerners and Middle Easterners to swallow—"We have gone to war for *this*?"—but in the context of Middle Eastern history, we should be both hopeful and proud. The real question for us now is the one posed to me in Kabul by an Italian officer, who despite his soft manner had the martial spirit of a U.S. Marine: "Will the United States run? If you do, we all will." ♦

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Where the Boys Aren't

The gender gap on college campuses

By Melana Zyla Vickers

Here's a thought that's unlikely to occur to twelfth-grade girls as their college acceptances begin to trickle in: After they get to campus in the fall, one in four of them will be mathematically unable to find a male peer to go out with.

At colleges across the country, 58 women will enroll as freshmen for every 42 men. And as the class of 2010 proceeds toward graduation, the male numbers will dwindle. Because more men than women drop out, the ratio after four years will be 60-40, according to projections by the Department of Education.

The problem isn't new—women bachelor's degree-earners first outstripped men in 1982. But the gap, which remained modest for some time, is widening. More and more girls are graduating from high school and following through on their college ambitions, while boys are failing to keep pace and, by some measures, losing ground.

Underperformance in education is no longer a problem confined to black males, Hispanic males, or even poor whites. In 2004, the nation's middle-income, white undergraduate population was 57 percent female. Even among white undergraduates with family incomes of $70,000 and higher, the balance tipped in 2000 to 52 percent female. And white boys are the only demographic group whose high school dropout rate has risen since 2000. Maine, a predominantly white state, is at 60-40 in college enrollment and is quickly reaching beyond it. There are now more female master's degree-earners than male, and in 10 years there will be more new female Ph.D.s, according to government projections. American colleges from Brown to Berkeley face a man shortage, and there's no end in sight.

Yet few alarm bells are ringing. In the early 1970s, when the college demographics were roughly reversed at 43 percent female and 57 percent male, federal education laws were reformed with the enactment in 1972 of Title IX, a provision that requires numerical parity for women in various areas of federally funded schooling. Feminist groups pushed the Equal Rights Amendment through the House and Senate. Universities opened women's studies departments. And the United Nations declared 1975 the International Year of the Woman. The problem was structural, feminists never tired of repeating: A system built by men, for men, was blocking women's way.

Today's shortage of men, by contrast, is largely ignored, denied, or covered up. Talk to university administrators, and few will admit that the imbalance is a problem, let alone that they're addressing it. Consider the view of Stephen Farmer, director of undergraduate admissions at the University of North Carolina-Chapel Hill, where this year's enrollment is only 41.6 percent male. "We really have made no attempt to balance the class. We are gender blind in applications, very scrupulously so."

Why the blind devotion to gender-blindness? Because affirmative action for men is politically incorrect. And at universities receiving federal funding like UNC, it's also illegal. "My understanding of Title IX is that an admissions process that advantages men would be very difficult to defend," Farmer says.

The recent history at the University of Georgia, with its male enrollment of 42 percent, explains the situation further. In 2001, a federal appeals court struck down the university's use of gender and race criteria to try to boost its black, male numbers in undergraduate admissions. Three white women sued the school after being rejected, arguing they'd have gotten into the University of Georgia if they had been black men. The appeals court agreed with a lower court's finding that the admissions process in place at the time violated Title VI (race equity) and Title IX (gender equity) by "intentionally discriminating against them based on race and gender."

It didn't even take a court ruling to cause Brandeis University, which is 46 percent male, to abandon its lame effort to attract more men. A few years ago it offered free

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baseball caps to the first 500 male undergraduate applicants. Brandeis's new dean of admissions, Gil Villanueva, says "things were looking pretty low on the male end and so people said let's give it a shot and see what happens." Evidently not much—the promotion was never repeated. Says Villanueva, "We have no special recruitment plan for males. We are very much gender blind." He says the administrators won't worry about the gender balance unless "all of a sudden our applicant pool is 75 percent female."

Boston University, 40.8 percent male at the undergraduate level, shows even less official concern. The imbalance is a national trend that begins with fewer men graduating from high school and applying to college, says spokesman Colin Riley. "We can't do something about the pool if they're not applying."

BU's position wasn't always so passive. In the mid-'90s, then-president John Silber sought to take a few small steps to address the shortfall of males. He told staff that BU's publicity materials ought to be gender-neutral, and that an ROTC publicity photo showing a woman ought to show a man, because ROTC at the university was predominantly male. Asked this month about Silber's minor intervention, university spokesman Riley tried to downplay it, saying "most places would be impressed" to have a woman in the ROTC photo. He added that the gender ratio is not "discerned as a problem. We certainly don't view it as such." Interesting, then, that BU doesn't publicize the sex breakdown of its student body on its website.

Richard Nesbitt, admissions director at Williams College, which is just 52 percent female, sees things differently. "If we got to 60-40, that would set off some alarm bells because we would like to have a 50-50 split," he says, adding balance is desirable "in terms of the social atmosphere and so forth."

Nesbitt says Williams's past as an all-men's college, plus strong math and science departments and athletics programs, helps keep the male numbers higher than the average. A few other formerly all-male schools, such as Princeton, actually have male majorities. But while the situation isn't yet alarming for such schools as Williams, Nesbitt calls it "alarming in terms of what's happening in our society."

The Department of Education doesn't appear to agree. The home of Title IX enforcement continues to be so preoccupied with advancing women that a recent 50-page study called *Gender Differences in Participation and Completion of Undergraduate Education* focuses not on the shortfall of men that's evident in practically every data point, but on tiny subpopulations of women who still have "risk characteristics," such as those entering university after age 29. And the department still spends money on studies such as *Trends in Educational Equity of Girls and Women: 2004*, while ignoring the eye-popping trends for boys and men.

The neglect has extended to the press as well, though there are a few signs that the blackout may be ending. The *Chronicle of Higher Education*, the bible of college and university news, has hardly touched the issue. *EdWeek*, while it has done better, still devotes less ink to the current gender gap than it does to women. And a recent piece in the *Washington Post* is an encouraging sign. As for state governments, inquiries around the country have turned up only a single public body studying the problem, a commission in Maine that is due to publish a study of boys' underperformance in education in January. It's true that President Bush mentioned boys' troubles in the 2005 State of the Union, but his aim was to "keep young people out of gangs, and show young men an ideal of manhood that respects women and rejects violence." Only a few business groups have looked at young men's academic performance, as have a handful of private researchers and authors.

Yet the trends are grave. Women outstrip men in education despite that there are 15 million men and 14.2 million women aged 18-24 in the country. Kentucky colleges enroll at least 67 first-year women for every 50 men. Delaware has 74 first-year women for every 50 men.

The gender gap is even more palpable within the colleges themselves, because women and men gravitate to different majors. While a split in preferences has always been the case, the gender imbalance in the overall college makes departments so segregated that campus life just ain't what it used to be. In North Carolina's public and private universities, a typical psychology class has four women for every man. In education, the ratio is five to one. The English and foreign language departments are heavily female as well.

The consequences go far beyond a lousy social life and the longer-term reality that many women won't find educated male peers to marry. There are also academic consequences, and economic ones.

Only a few fields, such as business and the social sciences, show men and women signing up at comparable rates. Math, computers, engineering, and the physical sciences continue to be male-dominated (in North Carolina, for example, engineering is 79 percent male), and the total number of graduates in these economically essential fields is often stagnant or declining. Thus, between 1992 and 2002, when the number of bachelor's degree-earners in California's public university system grew by 11 percent, the number of engineering bachelor's degrees shrank by 8 percent. California's private universities fared better, but the gap is still striking: bachelor's degrees grew by 41 percent overall, while bachelor's degrees in engineering grew only 27 percent.

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It seems the education system is favoring quantity over quantitative skills. The result? American companies and research organizations that need to employ graduates in quantitative fields have to turn to foreigners. Already, an astounding 40 percent of all the master's degrees awarded by American institutions in science, engineering, and information technology go to foreign students, as do 45 percent of all Ph.D.s in those fields, according to a study of the gender gap in education by the Business Roundtable in Washington, D.C.

The answer that education experts keep recycling is that American girls need to be encouraged to go into quantitative fields. After all, if there's one thing Harvard president Larry Summers taught the nation, it's that questioning women's aptitude for science is an absolute no-no. But surely some reflection is needed on whether science, mathematics, and engineering wouldn't be more attractive to American boys if more of them were encouraged to discover, at an early age, whether they have strengths in those fields and were warmly encouraged to pursue them in their schooling.

We're certainly not seeing any such encouragement these days. While much of the gender imbalance in higher education results from girls' advancing through high school and into university in greater proportions than boys, there are a few categories of boys who are stuck or losing ground. The high school dropout rate for white boys hovers around 7 percent, at a time when girls—black, white, and Hispanic—are making annual progress in cutting their dropout numbers, as are black and Hispanic boys. (To be sure, the Hispanic boys' high school dropout rate remains astonishingly high, and contributes to the overall college imbalance: 26.7 percent in 2003, a rate not seen since the early 1970s among black boys and girls.)

Young men also drop out of college more readily than young women do. And even in affluent, educated, white suburbs, fewer twelfth-grade boys make plans to attend college than girls do, according to a study by the Boston Private Industry Council. Unfortunately, a student who defers college enrollment increases his odds of never attending. All of this makes the pool of applicants to college predominantly female, and the pool of enrollees more female as well.

What is going on? Schools are not paying enough attention to the education of males. There's too little focus on the cognitive areas in which boys do well. Boys have more disciplinary problems, up to 10 percent are medicated for Attention Deficit Disorder, and they thrive less in a school environment that prizes what Brian A. Jacob of Harvard's Kennedy School of Government calls "noncognitive skills." These include the ability to pay attention in class, to work with others, to organize and keep track of homework, and to seek help from others. Where boys and girls score comparably on cognitive skills, boys get worse grades in the touchy-feely stuff. Perhaps not coincidentally, boys reportedly enjoy school less than girls do, and are less likely to perceive that their teachers support them, according to studies of Hispanic dropouts.

Harvard's Jacob is one of the few scholars to have studied the gender gap in higher education. His statistical analysis suggests it is boys' lack of skill in these noncognitive areas that is the principal cause of the gap. Other factors, which include young men choosing to go into the military or winding up in prison, account for only about one-sixth of the spread, according to his calculations.

Plain old economics is at work as well. Consider that among Hispanic boys, the wage gap between high school dropouts and high school graduates is much smaller than for whites and blacks. Hispanic boys may figure that high college tuition and four more years of touchy-feely classroom work is less appealing than a job and an immediate income. The economic draw of the workplace holds great sway over male college dropouts as well. A "need to work" accounted for fully 28 percent of male dropouts' reasons for leaving college, but only 18 percent of women dropouts' reasons, according to a Department of Education study. The men were also more likely than women to report academic problems and dissatisfaction with classes as their reasons for leaving.

Whatever the precise combination of causes, the imbalance on today's campuses can only be harmful in its social and economic effects. In a rational world, the Bush administration would take a serious look at whether continued enforcement of Title IX is keeping men away from college. At a minimum, the federal Department of Education would follow the example of the state of Maine and mine its statistics for detailed information about boys. Only then would researchers be equipped to address the problem.

Even now, more than two decades after the failure of the effort to ratify the Equal Rights Amendment, the culture is still in thrall to feminist orthodoxy. The Bush administration declined to do battle against Title IX three years ago, essentially preserving the status quo, when college sports teams sued for reforms. Meanwhile, the myopic bureaucrats at the Department of Education are unlikely to take their heads out of the sand unless forced to: As if prompted by the imminent release of Maine's report on how to help boys catch up, the National Center for Education Statistics led its website on December 1 with a colorful chart displaying the sex breakdown at a single high school—one in Bangor, where it just happens that boys outnumber girls. ♦

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Hawthorne's God

The quintessential New Englander was no Puritan

BY PATRICK J. WALSH

Hawthorne haunts me. He often comes to mind when I am wandering Boston's streets. He seems always just around the corner.

Once, Nathaniel Hawthorne was stopped in a Boston street by an old woman inquiring "if he were an angel." Biographers say the woman was overwhelmed by Hawthorne's remarkable beauty. But she must have been struck by his otherworldly aspect. In *The Scarlet Letter*, Hawthorne declared himself a "citizen of somewhere else." For Hawthorne was a kind of liminal being who, in his fiction, sought a place "somewhere between the real world and fairy land, where the Actual and the Imaginary may meet." His sister-in-law, Elizabeth, compared his blue eyes to "mountain lakes seeking to reflect the heavens."

Hawthorne lived in a secular age in which the old Puritan belief had disappeared while the new faith lay in material progress. He wrote romances, lamenting the difficulty of "writing a romance about a country where there is no shadow, no antiquity, no mystery, no picturesque and gloomy wrong, nor anything but a commonplace prosperity, in broad and simple daylight." Rejecting the many reformers of his time, Hawthorne turned for consolation to the past. He preferred "the narrow but earnest cushion thumper of puritanical time to the cold lifeless, vaguely liberal clergyman of our day."

From Witchery to Sanctity
The Religious Vicissitudes of the Hawthornes
by Otto Bird and Katharine Bird
St. Augustine, 164 pp., $24

Hawthorne also rejected the Transcendentalism of Ralph Waldo Emerson that was blustering about him in Concord. In *Mosses from an Old Manse*, he wrote of Emerson's flock of followers: "Never was a poor little country village infested with such a variety of queer strangely-dressed, oddly-behaved mortals, most of whom took upon themselves to be important agents of the world's destiny, yet were simply bores of very intense water." As for Emerson, Hawthorne added, "I sought nothing from him as a philosopher."

Bicentennials for Emerson and Hawthorne were recently celebrated. That Emerson's received more attention says much about the spiritual decline of America. Since 1832, when

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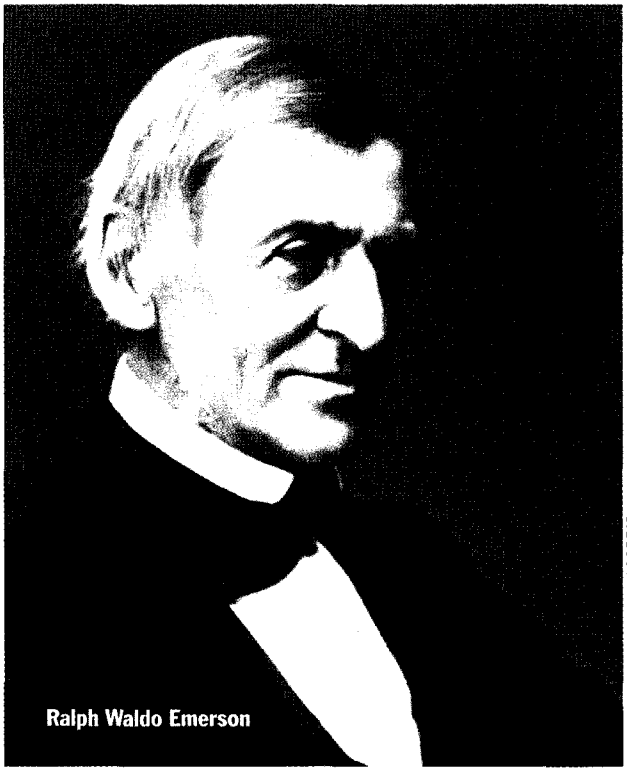
Ralph Waldo Emerson

Hulton-Deutsch Collection / CORBIS

the Reverend Emerson refused to celebrate the Unitarian service, his gnostic creed has grown apace and is now America's reigning dogma. Flannery O'Connor realized this: "[W]hen Emerson said he could no longer celebrate the Lord's Supper unless the bread and wine were removed, an important step in the vaporization of religion in America had taken place." Randall Stewart likewise regretted Emerson's influence on the American spirit, recognizing his doctrine as radically "anti-Christian." Christians believe that Christ healed the division between the world of spirit and the world of matter and became the bread of life. Emerson's staged refusal was a rejection of the material world of things as unredeemed.

Both Hawthorne and Herman Melville viewed Transcendentalism as a misnomer and fraudulent spirituality. Emerson never transcends to anything. He makes "self" the judge and sole authority of truth. In his Divinity School Address, given at Harvard in 1838, Emerson called for every man to become his own Jesus and to "go forth anew to take possession of the earth." Flannery O'Connor said he trapped himself in a region whose borders are the walls of his own skull. And Melville thought Emerson suffered from a defective sensibility: "A self conceit . . . [and a] blindness proceeding from a defect in the region of the heart."

Emerson, and not Hawthorne, is the father of our introverted modern America, where truth is relative and self-manufactured. This religion of self infects every level of society, ranging from the Self Help sections in bookstores to the slogans of advertisement, from movies to public television, from college curriculums to gum-chewing stars. It penetrates the chambers of the Supreme Court, where Sandra Day O'Connor ruled in *Planned Parenthood* v. *Casey* that there is "the right to define one's own concept of existence, of meaning, of the universe." All are the offspring of Emerson's gnostic gospel "that the soul makes its own world" and "nothing is sacred but the integrity of your own mind." Yale's Harold Bloom, a professed Gnostic, celebrates this "freedom from nature, time, history, community and other selves" in *The American Religion*.

In "Experience," Emerson wrote that "the true romance which the world exists to realize will be the transformation of genius into power." But Hawthorne, a writer of genius, wrote romances in order to steer the world away from such a destructive course. Many of Hawthorne's romances dramatize and portray such perverse wills to power and the dementia to dominate and control nature. In "The Birthmark," Aylmer the scientist destroys his wife Georgiana in an effort to erase her natural birthmark, a crimson hand on her cheek. Like Emerson, Aylmer would erase "the visible mark of earthly imperfection." Hawthorne thought such a power demonic. The past century offers enough examples of Emerson's "transformation of genius into power."

Hawthorne opened his heart and mind to the sufferings of the world, and did not hermetically seal himself from the disagreeable aspects of existence, as Emerson urged. His daughter Rose wrote of him: "He was as earnest as a priest for he cared that the world was full of sin and sorrow." He was concerned about the breakup of community and knew Emerson's radical egotism to be antithetical to civilization.

Hawthorne longed for a belief that would unite people in a community of love that connected the living and the dead. He moved toward a sacramental vision. But he never arrived at the point T.S. Eliot (another descendant of Massachusetts Puritans) did in *Four Quartets*, "that flesh our only hope / that blood our only drink." This accounts for the elusive and compelling quality in Hawthorne's writing, and the sadness that falls over it like a veil.

It has been said that the opposite of love is not hate, but power. Hawthorne understood this. The genuine artist is well grounded and knows that men and women are limited and dependent creatures. We cannot "empower" ourselves or "take charge," as the current followers of Emerson pretend. We are all subject to sorrow and decay. We are not in charge of even the most basic things. We did not set our own hearts to beat and cannot prevent the day they will stop. Being limited and dependent is what we call life. It keeps us human and makes love, tenderness, and sympathy possible.

Hawthorne's writing springs from this reality. His work would have us recognize our limitation as creatures and the need to give ourselves in love. Hawthorne's wife Sophia sided with her husband: "Waldo Emerson knows not much of love, he has never yet said anything to show he does. . . . He has never yet known what union meant with any soul. He is an isolation."

From Witchery to Sanctity examines the religious vicissitudes of the Hawthorne family, from when William Hawthorne arrived in Massachusetts

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in 1630 to the death of Nathaniel Hawthorne's daughter Rose in 1926. William Hawthorne's son John was a judge during the Salem witchcraft trials in 1692, and condemned people to death. In *The Scarlet Letter*, Nathaniel wondered whether "those ancestors of mine bethought themselves to repent and ask pardon of Heaven for their cruelties."

Nathaniel Hawthorne was born on July 4, 1804, when Puritanism was relapsing to Unitarianism. Though not a churchgoer, Hawthorne had a strong religious disposition. Flannery O'Connor thought him "Christ haunted." He satirized his age in "The Celestial Railroad" as concerned with the latest "news, topics of business, and politics, or lighter matters of amusement; while religion, though indubitably the main thing at heart, was thrown tastefully into the background." It is a parody of *The Pilgrim's Progress*, where modern Christians take a comfortable railway journey to the Celestial City. Abaddon, the fallen angel in Bunyan's classic, now functions as chief engineer of the train, which "shows the liberality of the age" and proves "all musty prejudices are in fair way to be obliterated."

With the exception of his wife Sophia, a talented artist, Hawthorne's in-laws were among the elite reformers of the day. His wife's sisters, Elizabeth and Mary Peabody, were close friends of Emerson, supporters of Transcendentalism and of the Rev. William Channing's Unitarianism. All were abolitionists. Mary became Mrs. Horace Mann, the champion of public education. Hawthorne ridiculed these types in his stories. He was not an abolitionist. Of John Brown, he wrote that "nobody was ever more justly hanged." He thought Emerson "imbued with false originality," Channing a "Rev. Mr. Flimsy Faith," and wisely decided to educate his children at home. Christmas season at the Hawthorne household must have been interesting!

Hawthorne belonged to the Democratic party, which advocated conservative, small government. Politics helped him support his family; then as now, writing alone could not do the trick. Hawthorne held various public patronage positions, like coal and salt measures at the Boston Custom House, surveyor at the Salem Custom House, and his biggest plum, American consul in Liverpool during 1853-57. He also wrote for Democratic newspapers and penned a presidential campaign biography for his friend and Bowdoin classmate, Franklin Pierce.

Bettmann / CORBIS

Hawthorne (center) and his publishers, Ticknor and Fields

Hawthorne believed in a different kind of reform and progress than his New England brethren. He would have delighted in the quip of the French Catholic Charles Baudelaire, who held that "the only progress is the progression toward the realization of original sin." And that the only reform possible must take place within the human heart. Hawthorne held the same beliefs.

His "Earth's Holocaust" tells the tale of a group of ardent reformers who commit most everything to flames in their desire to build a better world. At the end, only three are gathered at the great fire—"the hangman, the last thief and the last murderer." They decide to hang themselves as there is "no world left for us any longer." But a "dark-complexioned personage," whose "eyes glowed with a redder light than that of the bonfire," joins them and says no. "The wiseacres" have forgotten to throw the most crucial things into the flames. The last murderer inquires what that might be. "What but the human heart itself? . . . I have stood by this livelong night and sneered at the whole business. O take my word for it, it will be the old world yet."

Though Hawthorne dealt with dark subject matter, he was not himself morbid. He enjoyed drinking and smoking cigars with political friends and associates, like Melville and Henry Wadsworth Longfellow. Emerson, ever the puritan, disapproved of Longfellow's "bottles of different colored wine and wine glasses and fine coats." Hawthorne's reforming brother-in-law Horace Mann was equally prudish, and, "on one occasion finding Hawthorne smoking a cigar, declared he could no longer hold the man in high regard."

As a young man Hawthorne had been a recluse. His gift of vision made him different, as he walked an isthmus between time and eternity in an age that Henry David Thoreau said had "camped down on earth and forgotten heaven." Hawthorne feared his gift would isolate him as a cold observer of life. The ability of seeing into the heart of things separated him from others, and he longed to open communication with the world. How fortunate he was to meet and marry the painter Sophia Peabody.

It would be difficult to find a more fulfilling marriage of two giving hearts. "We are but shadows," he wrote Sophia. "We are not endowed with real life, and all that seems real about us is but the thinnest substance of a dream—till the heart be touched. That touch creates us, then we begin to be beings of reality and inheritors of eternity." And Sophia wrote:

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"Before our marriage I knew nothing of its capacities and the truly married alone can know what a wondrous instrument it is for purposes of the heart." Their marriage was fruitful, bringing three children into the world.

The authors provide an excellent outline of the original beliefs of the Massachusetts Bay Puritans. This book also has a good sketch (which every student should read) toward understanding Hawthorne's work. But it suffers from being unacquainted with Flannery O'Connor's insights into both Nathaniel and Rose Hawthorne. In addition, the authors seem unaware of the classic work on Hawthorne by Marion Montgomery, *Why Hawthorne Was Melancholy: The Prophetic Poet and the Spirit of the Age*, which thoroughly examines the vicissitudes of Hawthorne's heart.

O'Connor treasured Hawthorne as a writer because he struggled against the same destructive forces of nihilism and gnosticism that she saw raging around her. O'Connor's characters are violently shocked out of their closed gnostic world. She saw Hawthorne addressing the same problem. Though she detected a restlessness and melancholy in him, "Hawthorne interests me considerably," she wrote. "I feel more of a kinship with him than any other American."

As Marion Montgomery said, "Hawthorne, though dissatisfied with Emerson's thought, is nevertheless restless. He is always homesick for a country. His restlessness and our own excursions into history and art do not so much take us into the past as they lead us again and again out of time to ask the timeless questions always besieged by the present moment of our particular being. His restlessness very nearly brings him back to Rome."

After his Liverpool consulship, Hawthorne actually lived in Rome. Curiously, his journal tells of repeated trips to St. Peter's to watch people going to the confessionals. One entry reads, "The more I see of the Catholic Church, the more I wonder at the exuberance with which it responds to the demands of human infirmity." Rose Hawthorne would complete the journey to Rome. She came to accept an absolute authority beyond self and converted to Roman Catholicism in 1891. In 1898 she founded an order of nuns, the Dominican Sisters of Hawthorne, who still care for cancer victims in New York. Flannery O'Connor said that "she discovered much of what her father sought and fulfilled in a practical way the hidden desires of his life."

And the Hawthorne family's journey toward sanctity continues. In 2003 Cardinal Egan of New York began canonization proceedings for Rose Hawthorne. In order to become a saint, Rose must be declared "venerable," a proven Catholic role model, and two miracles must be attributed to her. Hawthorne's venerable ancestors would have been appalled at the thought of one of their own becoming a papist saint. Perhaps Emerson would have even burnt her for a witch. ♦

A Solid South

As Faulkner said, 'The past isn't dead; it isn't even past.' **BY JOHN SHELTON REED**

Not long ago my wife and I were eating lunch in a greasy spoon in a small South Carolina county seat. A black guy in work clothes (name embroidered over his shirt pocket) came in to pick up a take-out order. He was chatting up the white waitress (tattoos, short cropped hair) and when he asked her for a date, I started eavesdropping even more intently.

The Hand of the Past in Contemporary Southern Politics
by James M. Glaser
Yale, 218 pp., $35

She said no. He persisted. She said no again. He asked why not. I braced myself for her reply. I know it's a New South, but this town seemed to me the sort of place where maybe they hadn't got the memo.

She said, "I don't date *men*."

My, my. In the words of the late Big Jim Folsom, kiss my ass if *that* ain't a show.

The times they are a-changin' in Dixie. Certainly when it comes to politics they are. But change doesn't always mean loss of distinctiveness. The South used to be the most Democratic region of the country; now, after the Republican breakthrough in the 1994 elections, it has become the most Republican part (except for some of the mountain West, but nobody lives there, so who cares?). Moreover, change doesn't even mean loss of continuity.

In this new volume, James Glaser, a political scientist at Tufts whose last book was the award-winning *Race, Campaign Politics, and the Realignment in the South* (1996), expands on his earlier argument that the dramatically changed surface of southern politics conceals—no, *reflects*—some enduring themes. His point is not just that conservative white folks still usually call the shots (although that, too); he also examines the persistence of time-honored traditions like populist rhetoric and appeals to localism, as well as the continuing effects of run-off primary systems adopted in the days of the one-party Democratic South.

(All but 2 of the 13 southern states

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oblige the top two vote-getters in a primary election to run in a second primary if no one gets a majority in the first; no non-southern state does this.)

Glaser's account also reveals other continuities that he points out less explicitly. The dominant party in the South is still doing its best to redistrict the minority into near-oblivion, although that party is now Republican. (Southern Republicans learned how to play hardball well from all those years of seemingly hopeless opposition.) Similarly, the "majority-minority" congressional districts imposed on the South by the Justice Department have precedents that go back to the days of white supremacy: Then, as now, concentrating black voters in a few districts strengthened the hands of conservative white candidates in other districts and gave them little political reason to respond to the interests of black voters.

Glaser summarizes the major arguments of the three heavyweight books that should be read by anyone seriously interested in understanding southern politics—V.O. Key's classic *Southern Politics in State and Nation* (1949) and two by the brothers Earl and Merle Black, *Politics and Society in the South* (1987) and *The Rise of Southern Republicans* (2002)—but his own aims are modest and so is his "methodology" (to use ironic quotation marks of the sort that, by the way, he is a bit too fond of for my taste).

He picked five races for open congressional seats in 1996 and 1998, hung out with the candidates and their entourages, spoke with voters and local journalists, read up on the histories of the districts, and reports what he observed and what he takes it to mean. When he does venture, briefly and somewhat incongruously, into logistic regression and related arcana, he actually comes back with a couple of interesting findings about run-off primaries. It appears that they attract more candidates—possibly a good thing—and, apparently, "come-from-behind" candidates who win run-offs after finishing second in the first primary tend to fare better in general elections than those who win first primaries outright or, especially, those who win run-offs after leading in first primaries.

Everett Digital

Broderick Crawford in All the King's Men, *1949*

Glaser's campaign narratives are scrupulously even-handed and dispassionate, even when candidates engaged in repellent negative campaigning (as some of these did). But an unspoken subtext of his book is the question, Can Democrats still win congressional races in majority-white southern districts? He shows that they can, but the circumstances must be very special; and even when they do win, they need to watch their backs.

In 1996, Democrat Max Sandlin won, for example. It helped that his East Texas district had a long history of populism, to which Sandlin appealed (his argument that government should be kept out of decisions on abortion sounded less pro-choice than antigovernment). But a personal fortune that allowed him to outspend his opponent by better than three to one also helped, as did the fact that his opponent bore an unfortunate resemblance to Groucho Marx. Glaser's narrative ends with Sandlin still in Congress, but, in 2004, the Republican state legislature redistricted him into a race against a Republican incumbent from a neighboring district, in which he got only an embarrassing 38 percent of the vote.

Just so, in Mississippi's Fourth District in 1998, Democrat Ronnie Shows began with a demographic head start: The vast majority of the district's black population would vote Democratic if they voted at all. Since the district was 41 percent black, Shows needed only to turn out these voters and pick up a fifth or so of the white vote. Glaser reveals how Shows used black churches and radio stations to deliver subtly different messages to black and white audiences. He also played the homeboy card against the Republican nominee, a wealthy Catholic tax lawyer, and he won in 1998.

Four years later, though, when redistricting changed the composition of *his* district and put him in a race against a Republican incumbent, he lost. (This despite an American Conservative Union rating of 65.)

Southside Virginia in 1996 presents a story with a somewhat different outcome, though no more encouraging for Democrats. Democrat Virgil Goode, a man as down-home as they come, faced a Republican opponent who had moved from California not long before. Goode made the most of that, and campaigned vigorously and personally in the best Strom Thurmond tradition. Observers complained that it was hard to tell where he stood on the issues, but when it was clear, he was so clearly conservative that Republican efforts to link him to Bill Clinton were unavailing. He won handily. But after that he became Congress's most conservative Democrat, less aligned with Clinton than four of Virginia's five Republicans (and tied with the fifth).

After voting to impeach the president in 1998, he became an indepen-

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dent. In 2002, he ran as a Republican, and it looks as if he'll be in Congress as long as he wants to stay. Even as a Republican he is anchoring the right wing of his party. Recently, I read, he has been working to amend the Constitution to prevent children of illegal immigrants from becoming U.S. citizens by birth.

The other two districts Glaser examines are even more comfortably Republican. In 1998, in the North Carolina district that includes Charlotte, it was Republican Robin Hayes who had the common touch, despite being an heir to the Cannon Mills fortune. His opponent made it easy for him ("Why does he tell people he went to school at Harvard?" one of his aides complained). Add to Hayes's folksy appeal to the district's small-town and rural voters the fact that Charlotte's suburban growth was filling the district with new country-club Republicans, and a GOP victory appeared to be such a foregone conclusion that the hapless Democrat had trouble raising money.

Glaser thinks he might have run a much stronger race if he'd had the resources, but we'll never know. Hayes's district was redrawn to his disadvantage by North Carolina's legislature (still Democratic), but he survived in 2002 and 2004, largely thanks to his mastery of the classic conservative Democratic formula of conservative social policies and liberal pork-barrel spending. Hayes's seat is apparently safe for now. At least he thinks so: I see that he recently voted for CAFTA, deeply unpopular in the old textile towns of the Carolinas.

Finally, the 1998 contest in the Greenville-Spartanburg area of South Carolina shows how things work in a district where the real contest, if there is one, is between conservative Republicans backed by the Christian Right and conservative Republicans backed by the Chamber of Commerce, and the only elites with Democratic leanings are union leaders and trial lawyers.

After a tough fight in the Republican primary against a former University of South Carolina quarterback advised by Ralph Reed, formerly of the Christian Coalition, Jim DeMint coasted to victory in the general election, holding his Democratic opponent (a Krispy Kreme doughnut franchisee) to 40 percent of the vote, which was better than expected. DeMint kept his promise to serve only three terms in the House of Representatives. In 2004, he won Fritz Hollings's old seat to become South Carolina's junior senator.

In short, Republicans now have the upper hand in most of the region. Democrats who get lucky with their district's racial composition, with personal wealth or weak opponents, can sometimes give them a good race. The new Solid South isn't as solid as the one V.O. Key described 56 years ago, where (a few mountain areas aside) whites didn't vote Republican and blacks were rarely allowed to vote at all. But even Democrats who win can seldom relax and enjoy their incumbency. For the foreseeable future, the South is the Republicans' to lose.

Glaser doesn't put it this way, and might not, but I will: That's because the parties have changed even more than the South has. ♦

The Ghost Master

The supernatural affinity of M.R. James.

BY MICHAEL DIRDA

Shakespeare wrote that "a sad tale's best for winter," especially one "of sprites and goblins." In *The Winter's Tale* Hermione invites Mamilius to tell such a story and, as she says, to "fright me with your sprites." He sits down next to her and quietly begins, "There was a man dwelt by a churchyard . . . " We settle back. What could be better for a cold dark night?

Count Magnus and Other Ghost Stories
by M.R. James, edited by S.T. Joshi
Penguin, 288 pp., $16

Eton and King's Recollections, Mostly Trivial
by M.R. James,
edited by Rosemary Pardoe
Ash-Tree, 206 pp., $47.50

Sadly, Shakespeare gives us no more than this spooky first sentence, though he obviously possessed a taste (and flair) for the supernatural: Just think of the Weird Sisters in *Macbeth* or the vengeful spirit of Hamlet's father. During the Renaissance ghosts appear regularly in both literature and history. In the 17th century, the antiquary John Aubrey records numerous spectral appearances, including one of an apparition that disappeared "with a curious perfume and a most melodious twang." A generation later, Daniel Defoe published his sensational, and still frequently reprinted, pamphlet, "A True Relation of the Apparition of One Mrs. Veal, the Next Day After Her Death."

But only with Queen Victoria does the concisely told ghostly tale come into its own. By then, the excesses and Grand Guignol of late 18th- and early 19th-century Gothic fiction have died down. No more castles of Otranto and mysterious monks or bleeding nuns, no more lengthy extravaganzas like *Melmoth the Wanderer*. After Dickens begins to publish Christmas stories in *Household Words*, every magazine editor naturally wants tales of haunters and the haunted for his December issue. And prolific writers like Bulwer Lytton and Wilkie Collins, or somewhat later Mrs. J.H. Riddell and Mrs. Oliphant, soon sup-

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ply them aplenty. However, none of them equals Sheridan Le Fanu, who, over in Dublin, steadily perfects the chilling shocker with a succession of classics such as "The Familiar," "Green Tea," and that finest of all vampire stories, "Carmilla." Indeed, Le Fanu stands unrivaled in the history of the ghost story—until 1893, when a young scholar named M.R. James reads "Canon Alberic's Scrapbook" to the Chitchat Society at Cambridge.

M.R. James's career as a writer of ghost stories almost exactly mirrors the golden age of what one might call light reading, escape literature, or popular storytelling. In Europe and America, literacy had finally come to people of all classes, popular magazines like the *Strand* and *Harper's Weekly* were supplying fiction for every taste, and the distractions of radio, movies, and television were hardly gleams in the eyes of a few visionaries. This is the era of fantasy-adventures that everyone knows, at least by title: *Treasure Island*, *King Solomon's Mines*, *The Adventures of Sherlock Holmes*, *The Time Machine*, *A Journey to the Center of the Earth*, *Alice in Wonderland*, *Dracula*, *The Prisoner of Zenda*, *Five Children and It*, *Tarzan of the Apes*, *Peter Rabbit*, *Peter Pan*.

The backdrop of these wonderful, wonder-filled stories is the long summer afternoon of the Pax Britannica, when there was still consensus about what civilization should mean. A lady or gentleman believed in service and duty; life was regulated by loyalty, devotion to family, honor, and sacrifice. How Victorian! Yet these aren't merely the ideals of the Christian bourgeoisie; they are also the characteristic virtues of the hero, and so nearly all the great popular stories of the era are ultimately about the heroic. Only after the Great War, and its blood sacrifice of an entire generation, could Western culture no longer wholly believe in *civilitas* and nobility. Our age of irony had been born, its unhappy hour come round at last.

The classic ghost story, in particular, thrives best against just such a starting-point of solid, Biedermeier reality. "Let us," writes M.R. James in a preface to an anthology called *Ghosts and Marvels*, "be introduced to the actors in a placid way; let us see them going about their ordinary business, undisturbed by forebodings, pleased with

M.R. James

stephengray.net

their surroundings; and into this calm environment let the ominous thing put out its head, unobtrusively at first, and then more insistently, until it holds the stage." In this gradual, carefully calibrated appearance of ominous things—whether revenants, hungry demons, or spectral guardians—James set his stamp on English literature.

During his lifetime, M.R. James (1862-1936) was the greatest English authority on the New Testament apocrypha, a bibliographer of medieval manuscripts, an amateur expert on early church architecture and decoration, a Cambridge don, and, eventually, the Provost of Eton. An entire biography of 460 pages, by R.W. Pfaff, has been written, focusing largely on his accomplishments as a textual critic, editor, and translator. Even "Monty" himself, in the charming reminiscences set down in Eton and King's, virtually passes over his 30 or so "ghost stories of an antiquary."

These, it's been rightly said, are to horror and the supernatural what Sherlock Holmes's adventures are to the mystery. In particular, they stand virtually unchallenged as after-dinner entertainment for those melancholy evenings between Advent and Twelfth Night. Oh, at this time one can and should also turn back to Sherlock Holmes in "The Adventure of the Blue Carbuncle," set just after Christmas day, or to P.G. Wodehouse's "Jeeves and the Yuletide Spirit." But James intended virtually all his stories to be enjoyed as Christmas treats. After the seasonal feast and good cheer, he would read one or two aloud to his friends at Cambridge and, later in his career, to the boys at Eton. By a single candle, after all other lights had been extinguished, the bespectacled scholar would effortlessly create a sense of unease, of growing eeriness. Sometimes he would open with a leisurely bit of scene-setting, as in "The Ash-Tree."

> Everyone who has travelled over Eastern England knows the smaller country houses with which it is studded—the rather dank little buildings, usually in the Italian style, surrounded with parks of some eighty to a hundred acres. For me they have always had a very strong attraction . . .

Other stories start even more casually, often when a middle-aged bachelor, typically a don, visits an ancient church or country house, or takes a holiday in Denmark or France, and there stumbles across something from

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the past—an old diary or piece of correspondence, an enigmatic inscription on a tomb, strange symbols in stained glass, an odd 18th-century maze in which one never feels quite alone. In "Canon Alberic's Scrapbook," for instance, Mr. Dennistoun spends an afternoon of his holiday abroad sketching the interior of a decaying French cathedral. Toward evening, he notices that "the church began to fill with shadows, while the curious noises—muffled footfalls and distant talking voices that had been perceptible all day—seemed, no doubt because of the fading light and the consequently quickened sense of hearing, to become more frequent and insistent."

Invariably, James's heroes shrug off what at first only seems "curious." Who wouldn't? Those muffled sounds must be some odd echo or sympathetic vibration from the thick stone walls, that shadow a trick of the light, and the unexpected nervousness of the locals a normal response to a stranger in their midst. And yet could it, perhaps, just possibly, be something else? There is that old legend . . .

No matter what the exact circumstance, the past eventually reaches into the present, and the most seemingly ordinary object or discovery may serve to summon up the horror. (James once said that even a Christmas cracker has its possibilities "if the right people pull it, and if the motto which they find inside has the right message on it.") An old print, for instance, can serve as a peephole into the uncanny. In "The Mezzotint," Mr. Williams orders a view of an English manor house, one that seems disappointingly ordinary and unimaginative—apart from the hideous skeletal figure crawling on all fours across the front lawn. Taking a vacation at Barnstow, Professor Parkins strolls along the beach and almost literally stumbles upon the ruins of a Templar preceptory. There among its crumbling tombstones he, unfortunately, makes a small discovery:

> It was of bronze, he now saw, and was shaped very much after the manner of the modern dog-whistle; in fact it was—yes, certainly it was—actually no more nor less than a whistle. He put it to his lips. . . . He blew tentatively and stopped suddenly, startled and yet pleased at the note he had elicited. It had a quality of infinite distance in it, and soft as it was, he somehow felt it must be audible for miles round.

Yes, quite a nice little archaeological find, with a bit of Latin on it, too. Parkins can only make out part of the inscription. Something about somebody coming. Back in his hotel he decides to blow the whistle again: "Goodness! What force the wind can get up in a few minutes! . . . It's enough to tear the room to pieces." The story, one of James's supreme masterpieces, takes its deliciously ominous title from a slightly modified line of Robert Burns's: "Oh, Whistle and I'll Come to You, My Lad."

James's scholars and antiquaries generally bring their fates down upon themselves, sometimes inadvertently but often because they give in to excessive passion. Not sexual, of course—heaven, forfend!—but rather the passions typical of the academic life: the allure of an arcane discovery, perhaps envy and spite or the desire for revenge, sometimes just the thrill of figuring out a riddle or solving a historical mystery. Anyone, of course, might wish to go after "The Treasure of Abbot Thomas," some "ten thousand pieces of gold laid up in the well in the court of the Abbot's house of Steinfeld." The clever Mr. Somerton learns of their location by deciphering an elaborate cryptogram; quite mistakenly, however, he fails to pay sufficient attention to the full coded text, which ends with an enigmatic phrase warning that the abbot, a dabbler in the dark arts, has "set a guardian" over his wealth.

I've only mentioned a few of the 15 mini-classics collected in *Count Magnus and Other Ghost Stories*, edited and annotated by the well-known scholar of supernatural fiction, S.T. Joshi. It is the first of two volumes, reprinting James's *Ghost Stories of an Antiquary* and *More Ghost Stories of an Antiquary. A Thin Ghost and Others* and *A Warning to the Curious*, as well as the various uncollected stories, will form the basis of a forthcoming volume two. But those later stories, with a few exceptions (such as "The Diary of Mr Poynter," and "An Uncommon Prayerbook"), are a notch below these in their artistry. Certainly none can match the perfection of "Count Magnus" or, that favorite of many readers, "Casting the Runes."

Atmosphere—James himself called it "mood"—is all-important to the cozy style of the English ghost story. Indeed, that nostalgia-laden period flavor is just what we now value most in fiction from the late Victorian and Edwardian era. Don't we, after all, reread the Sherlock Holmes canon more for those scenes of the great detective and Watson snug in their flat at 221-B Baker Street than for the ostensible mystery? Virtually all those golden-age titles listed earlier now function as "comfort" books or "children's classics." They are the narrative equivalent to a warm blanket and a mug of hot cocoa, standbys of the fireside library.

So it may sound somewhat less than heretical to say that James's supernatural tales rarely actually frighten the modern reader. To begin with, they are elaborately framed, often set in the past, and laced with a dry humor. Moreover, the main characters are lightly sketched, and James never makes us care greatly about their fates. (In this regard, he's rather like Agatha Christie.) In truth, what we most deeply enjoy is the storytelling itself. Reading along, we do more than suspend disbelief, we happily surrender to the spirit of the game. As James deftly creates an atmosphere of suggestion and anticipation, we wonder just how and when his various hobgoblins will appear. He is, in fact, a great master of narrative reticence: Nothing gross or gruesome is described, only hinted at. Instead James will usually deliver a single short, sharp shock. Let me quote an example, but not from a story in this volume, and without giving away its title:

> Then he dozed, and then woke, and bethought himself that his brown spaniel, which ordinarily slept in his room, had not come upstairs with him. Then he thought he was mistaken: for happening to move his hand which hung down over the arm of the chair within a few inches of the floor, he felt on the back of it

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> just the slightest touch of a surface of hair, and stretching it out in that direction he stroked and patted a rounded something. But the feel of it, and still more the fact that instead of a responsive movement, absolute stillness greeted his touch, made him look over his arm. What he had been touching rose to meet him.

James's other gift is a flair for pastiche. In life, he was noted as a mimic, adept at replicating the mannerisms and idiosyncrasies of his colleagues. His stories abound with fabricated documents, from every period between the Middle Ages and the present. In "Count Magnus" he mentions alchemical tracts convincingly titled "The book of the Phoenix, book of the Thirty Words, book of the Toad, book of Miriam, Turba philosophum [Assembly of Philosophers]." (This last is real, by the way.) They all prepare his protagonist for the *Liber nigrae peregrationis*—the book of the Black Pilgrimage. When he needs to, James can set down a Puritan sermon as readily as an 18th-century squire's diary. Take "A Parable of this Unhappy Condition," a religious tract from the late 17th century, cited in "Mr Humphreys and His Inheritance." A man once ventured into a maze in search of a great treasure:

> He went merrily on, and without any Difficulty reached the Heart of the Labyrinth and got the Jewel, and so set out on his way back rejoycing: *but as the Night fell, wherein all the Beasts of the Forest do move*, he begun to be sensible of some Creature keeping Pace with him and, as he thought, *peering and looking upon him* from the next Alley to that he was in; and that when he should stop, this Companion should stop also, which put him in some Disorder of his Spirits. And, indeed, as the Darkness increas'd, it seemed to him that there was more than one . . .

With similar virtuosity, James elsewhere imitates the bluff commonsensical talk of a British colonel, and the irritated pronouncements of a celebrated hanging judge; but his peasants, workmen, and servants may be his most Dickensian triumph. More often than not, they first sense the growing wrongness. Consider Mrs. Bunch in "Lost Hearts":

> "Well," she said, "Master Stephen, it's a funny thing to me how them marks and scratches can 'a' come there—too high up for any cat or dog to 'ave made 'em, much less a rat: for all the world like a Chinaman's finger-nails, as my uncle in the tea-trade used to tell us of when we was girls together. I wouldn't say nothing to master, not if I was you, Master Stephen, my dear; and just turn the key of the door when you go to your bed."

James's tales aimed to elicit what he called "a pleasing terror," and this oxymoron aptly hints at his artistry. More precisely, he remains unrivaled in evoking not terror but anxiety and foreboding—and of how easy it can be to awaken the undesirable attention of things that should sleep quietly in their tombs or hiding places.

S.T. Joshi's new Penguin is a handsome volume, and it will be convenient to have all the stories available in two paperbacks, with useful annotation. But the confirmed fan of M.R. James will want more. Michael Cox's old Oxford paperback, *Casting the Runes and Other Ghost Stories*, is worth seeking out for its long introduction and many notes; it selects from all the stories, and comes close to being a "best of" collection. Cox has also written *M.R. James: An Informal Portrait*, which presents an agreeable overview of Monty's life.

James's own *Eton and King's: Recollections, Mostly Trivial*, is utterly devoid of confession or introspection, but remains deeply enjoyable as high-table conversation, the old gent's reminiscences of his teachers and friends. It has just been reissued by Ash-Tree Press, which specializes in preserving the classic ghost-story tradition. (See their website for many other authors in the "school of James," including E.G. Swain, H.R. Wakefield, and E.F. Benson.) Not surprisingly, Ash-Tree brought out the sumptuous *A Pleasing Terror: The Complete Supernatural Writings of M.R. James* (edited by Barbara and Christopher Roden). Alas, this highly sought-after volume—even the sometimes carping Joshi calls it "admirable"—is currently out of print, but will likely be reissued in the near future.

But why wait? After all, 'tis now the season for tales "of sprites and goblins," and there are none better than these by M.R. James. He is—to borrow an epithet usually bestowed on another James—the Master. ♦

Coming Attractions

A changing of the guard at the American Ballet Theatre. BY PIA CATTON

I do not approve of fantasy football as a topic of conversation: With all the real-life sports out there, why noodle over make-believe match-ups? But now, I sort of get it. And it's because of American Ballet Theatre's fall season at New York's City Center. These days, the company is so loaded with interesting, versatile dancers that it's a kick to imagine them in very different roles and on improbable "teams" in ballets to come.

This struck me while watching Agnes de Mille's *Rodeo*, a modern-dance version of a Saturday rodeo set to Aaron Copland's music. Erica Cornejo and Craig Salstein sizzled with such youthful, vibrant chemistry that I'm sure they would make a heartbreakingly potent couple in *Romeo and Juliet*. David Hallberg lent so much drama to the plotless *Les Sylphides* that

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Paloma Herrera, 2003

AFP / Getty Images / Ali Burafi

I mentally cast him in *Onegin*. Also in *Les Sylphides*, Kristi Boone fluttered her arms like a woman bound for *Swan Lake*.

What's exciting is that these dancers are still soloists or members of the *corps de ballet*. Which means the next few years should be thrilling for ABT. The ranks are swelling with fresh talent just as several of the big names of the last generation have retired (Susan Jaffe, Amanda McKerrow) or cut back (Julio Bocca). And because the repertory is so vast, these up-and-comers can do it all.

The more senior dancers do not necessarily possess the same fungible talent. This was made quite clear over three performances (with different casts) of George Balanchine's 1928 masterpiece, *Apollo*. The work calls for a leading man who is willing to look off-kilter on stage, one who can enjoy exploring the angles and unexpected, spare movements. Apollo is born on stage, then learns the arts of poetry, mime, and dance from three muses: Calliope, Polyhymnia, and Terpsichore.

José Manuel Carreño's Apollo was careful at best, uninspired at worst. The choreography simply did not suit his strengths. He was a romantic prince whose every move was pure and dignified. His pirouettes are the current gold standard. But Apollo does not need a splashy tour de force. He needs a creative soul. Maxim Beloserkovsky succeeded more in this regard, but he lacked *gravitas*. Or rather, his many facial expressions precluded him from creating *gravitas*. On his thin frame, the sharpness of the steps was clear and clean. What was needed was a slower, firmer tempo and more depth. Ethan Stiefel emerged as the best, giving a mesmerizing performance. Though guilty of overacting, he chose to dance with intensity and passion. And it paid off. He made clear that Apollo is born naive and ignorant, but becomes a master of music and movement. When Stiefel led the muses in the end, he was no longer uncoordinated and silly; he became Apollo.

As for the muses, Paloma Herrera danced a sublime Terpsichore with minimal coyness and maximum confidence. That was a pleasant change. In her classical roles, she often looks nervous, and can seem to lack musicality. But in *Apollo* she appeared to be a different dancer entirely. Veronika Part handled Terpsichore sexily, with a gentle expression and lush phrasing. Julie Kent, in the same role, faced the problem that Carreño did: No matter what she does she'll look beautiful, but sometimes that is not enough.

A few other performances were notable only because they were cringeworthy. Michele Wiles and Irina Dvorovenko were both too hammy as Polyhymnia. Melanie Hamrick was totally miscast as Calliope. She is too green for the role; throughout the ballet, her nervous eyes skittered to check out what the big girls were doing.

But things do improve with time, which happened in the case of Michel Fokine's *Les Sylphides*. Last year, it was ho-hum. This year, it became dreamy and magical. Maria Riccetto floated through hauntingly; her feet were so pliable that my guest, who had seen little ballet, couldn't stop talking about it afterward. While there were a number of individual successes, the credit goes to the ensemble for creating a misty, beautiful mood. In a stab at politics, ABT presented Kurt Jooss's *The Green Table*. This 1932 ballet begins and ends with suited diplomats posturing and gesturing around a green table. The intervening scenes show soldiers, lovers, and innocents suffering. It is heavy-handed and obvious. Death is in almost every scene—and death wins. But it was danced from the heart, much more so than Antony Tudor's *Dark Elegies*, set to music by Mahler. The dancers needed more time to search their souls and learn how to make the audience cry.

They certainly got the audience laughing with Mark Morris's *Gong*. But that is no great accomplishment. Mr. Morris is hailed as the most musical of all living choreographers, but his musicality comes with irony. *Gong* mocks ballet idiom. A couple dances a *pas de deux* in silence. Dancers walk off the stage as if they're walking down the street. They have on their faces a mock-serious air. That flat expression, combined with their candy-colored, sharp tutus (by Isaac Mizrahi) made them look like a bunch of angry LifeSavers.

The season included the premiere of *Kaleidoscope*, by choreographer Peter Quanz. This piece looked like a collage of so many Balanchine works that it should have been labeled a homage. What if we had been spared his ballet and given another actual Balanchine work? Well, that would be a fantasy line-up. And there's plenty of the real thing to talk about. ♦

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Books in Brief

***Between Two Worlds: The Inner Lives of Children of Divorce* by Elizabeth Marquardt (Crown, 288 pp., $24.95).**

There's no such thing as a "good divorce." So argues Elizabeth Marquardt, an affiliate scholar at the Institute for American Values. In her new book Marquardt debunks the myth that children of divorce—even those children whose parents divorce amicably—do not suffer emotional and psychological scars from the dissolved family unit. Rather, divorce dramatically shapes the inner lives of children, and leaves its mark well into adult life.

Marquardt's findings are based on a survey she conducted with sociologist Norval Glenn from the University of Texas. They interviewed 1,500 adults, and compared those who grew up in divorced households with those who grew up in intact families. Half experienced their parents' divorce before they were 14, while the other half grew up in intact families.

Marquardt's research challenges Constance Ahrons's study, which concluded most children of divorce do not suffer long-term effects. Ahrons is a sociology professor at the University of Southern California and author of *The Good Divorce* and *We're Still Family: What Grown Children Have to Say About Their Parents' Divorce*. She contends that children from divorce are resilient and that only 20 percent suffer lasting effects. Moreover, she argues that the problems these children carry into their adult life occurred long before the divorce of their parents. Marquardt disagrees and paints a more complete picture.

Building on Judith Wallerstein's work in *The Unexpected Legacy of Divorce*, which chronicles the psychological effects of divorce on children, Marquardt examines the spiritual and moral ramifications. Marquardt takes issue with the popular wisdom of our day, which says that "divorce is no big deal" and has little effect on children. This "happy talk," as she coins it, claims that the child will suffer only in the short term and will be saved from the worse fate of continuing to grow up in a troubled household. But this view contradicts the overwhelming testimony of those surveyed, who reveal that divorce does indeed have real and lasting effects.

According to Marquardt, even though many children of divorce are able to become successful adults and lead healthy, normal lives, the effects of divorce always linger long after the fact. Divorce harms children for the rest of their lives. Children of both "good" and "bad" divorces are robbed of their childhood and are forced to become "little adults," who are more concerned about their parents' needs than their own. They end up getting caught in the middle of their parents' arguments and placed in the difficult position of keeping their secrets. Most children of divorce also struggle to decipher the different values and lifestyles presented by their parents and suffer an identity crisis as a result. As they try to make sense of it all, a deep loneliness creeps in, and they no longer feel safe.

Marquardt also explores the religious beliefs of children of divorce. She notes that a correlation exists between divorce and a child's attitude toward God. Adults from divorced parents are less religious than those from married households. Many of the adults she interviewed blamed their parents for their rejection of a loving and caring God. These children were also less encouraged by their parents to pray or practice a religious faith.

Moreover, children of divorce have a hard time seeing their parents as moral guides. Feeling betrayed by some of their parents' marital infidelities, they struggle with respecting their parents and turning to them for moral advice. On the other hand, children from intact homes have greater respect for their parents and are more cognizant of the sacrifices made on their behalf.

Sadly, more than half of all marriages end in divorce. And approximately one million children every year must pick up the pieces of their shattered childhood in the aftermath of their parents' inability to stay together. Overwhelming research has shown that children do best when raised in a healthy, two-parent family with a mother and father. These children are less likely to drop out of school, suffer from depression, commit suicide, or engage in at-risk behaviors. Marquardt's book further confirms that a child's moral and spiritual well-being is directly related to a family's ability to remain intact.

Critics who claim Marquardt's work is biased because her parents divorced when she was two years old fail to realize that it was precisely this difficult experience that helps her understand divorce from a child's perspective. Marquardt is not attempting to ban divorce or overturn no-fault divorce laws; nor is she trying to demonize parents who part ways. Rather, she acknowledges that divorce is "a vital option for ending bad marriages," especially when domestic violence is involved. Although she understands that divorce may be necessary, she wants to make certain that the spiritual and moral effects it has on children are acknowledged. Marquardt's personal journey and work are appropriate testaments to their pain.

—Loredana Vuoto

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Russia's natural gas giant Gazprom ... named Gerhard Schröder, the former chancellor of Germany, chairman of a pipeline-building subsidiary that has begun building the first direct energy link between Russia and Western Europe. —News item

Parody

CLIENT

Gerhard Schröder

HANS & FRANZ
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WELTFÜHRERSIMEXECUTISCHENSUCHEN

December 1, 2005

To: Hon. Dr. Gerhard Schröder
From: R.M. Renfield, corporate consultant
Re: Search results

Dear Dr. Schröder:

Below are the results of your recent job search, based on your skill sets and prior experience. Though preliminary, the list is mostly encouraging. In addition, we have provided analyses of the positives and negatives of each firm. We believe you will find a number of them quite suitable. Let us know if you make a decision.

Always at your service,

R.M. Renfield

Search results for: SCHRÖDER, Gerhard

Genco Olive Oil:
Positive: Company does more than name suggests. Extremely enterprising in cut-throat industries. Keeps clients close, competition closer. Great benefits, try the veal—offer hard to refuse.
Negative: Potential dangers in accepting rides to the airport, picking up mattresses, shopping for fruit, enjoying massages.

Scrooge & Marley, Certified Public Accountants:
Positive: Hard-working staff, intensely focused on turning profit, Christmases in London.
Negative: Fringe benefits practically nonexistent, vacations frowned upon, not much interaction with people—except three clients from past, present, and future.

Cyberdyne Systems:
Positive: Involvement in cutting-edge technology and the exciting field of robotics.
Negative: If hired, may eventually have to serve nonhuman entity. Can't disconnect the machines.

Soylent Corporation:
Positive: Help feed the starving. Promote latest product and come up with catchy phrase like "Soylent Green is ____?" (Plus a terrific human resources department!)
Negative: Latest product may consist of more than soy beans and lentils. FDA approval pending.

Gazprom:
Positive: Money. Influence. A lot of money. Not too strenuous. Gobs of money. Luxury perks. Did we mention the money?
Negative: Perceived shamelessness, cronyism. Calls into question one's integrity. Reflects poorly on political legacy. (Don't see any deal-breakers here, do you?)

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In the new issue of *Policy Review*

What Is "Cruel and Unusual"?

Eighth Amendment jurisprudence is a train wreck

A potential key to rationalizing the Eighth Amendment lies in a jurisprudential return to the two words "cruel and unusual." For they in fact suggest an elegant two-part judicial examination: whether a challenged punishment is "cruel"—that is, needlessly and wantonly harsh and with some significant purpose of inflicting pain or misery—and, if so, whether it is by some reasonably measurable standard "unusual" or rare. Such a return would place the amendment on a more principled footing that, even in acknowledging the amendment's dynamic character, would both restrain judicial action and render it more predictable and less freewheeling.

—*Benjamin Wittes*

Making Democracy Stick

First, identify the obstacles to stability

An ambitious strategy of democracy promotion is poised to be a major pillar of U.S. foreign policy for many years after 9/11, just as cold war containment, trade liberalization, and development assistance were pillars of American policy in the decades after 1945. . . . [C]hampions of democratization emphasize obstacles to transitions to democracy rather than obstacles to the *stability* of democracies afterward. . . . But there are compelling reasons to believe that certain structural conditions threaten democracies in ways that cannot be overcome simply by a desire for self-rule. If America's democratization strategy is to fulfill its early promise, we have to identify these obstacles and decide how they can be overcome. Recent history provides a powerful lesson of what will happen if we don't.

—*Gerard Alexander*

Paid for by the Hoover Institution, Stanford University.

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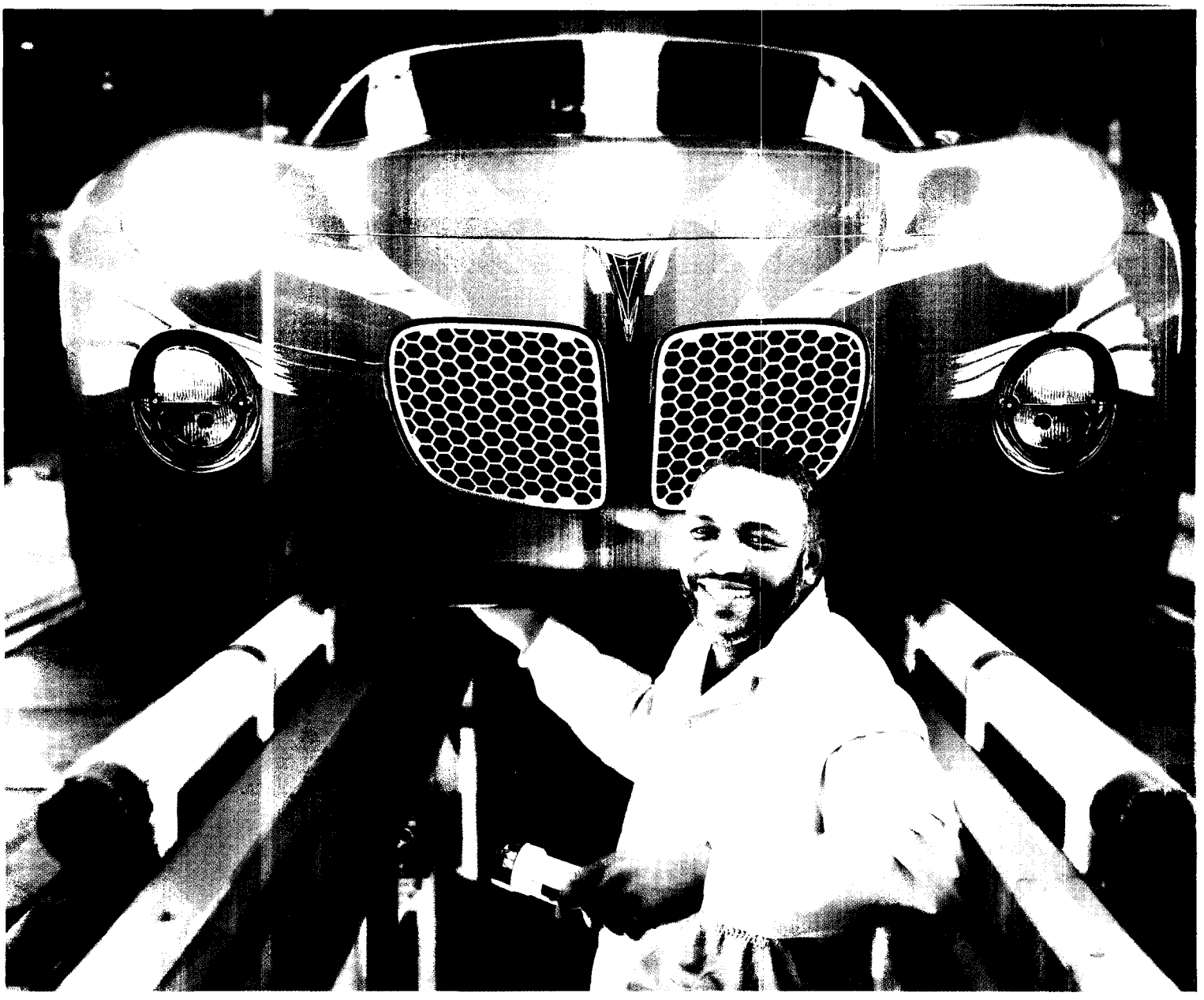

I'm one in a million. Everyday nearly 1,000,000 Americans earn their living helping GM build and sell cars in the United States. I'm one of them. My name is Pete Hunt and I'm a team coordinator in general assembly at the Pontiac Solstice plant in Wilmington, Delaware. To me and my family, it's the most important job in America.

Pete Hunt

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